

# Cover Page for Wednesday April 6, 2022 Planning Board Meeting

<b>*Project Information is available at</b> <a href="https://www.barharbormaine.gov/282/Planning-Board">https://www.barharbormaine.gov/282/Planning-Board</a>	<b>Material Issued</b> <b>01/01/2022</b>	<b>Issued on</b> _____
ITEMS		
Cover page with date	✓	
April 6, 2022 Meeting Agenda	✓	
March 2, 2022 minutes for approval	✓	
SD-2021-05 Clark Acres Subdivision, Fisk Lot line — Compliance Review (staff report, decision)	✓	
SP-2021-05 Evergreen Yurts — Completeness/Compliance Review (staff report, decision, supplemental material)	✓	
SP-2022-01 COA Student Housing — Completeness/Compliance Review (staff report, decision, supplemental material)	✓	
SP-2022-02 BH Community Solar— Completeness Review (staff report, application)	✓	
SD-2022-01 Red House Farm Subdivision — Sketch Plan Review (staff report, pre-application)	✓	
SD-2022-04 Lamb Subdivision — Anderson Lot Line Sketch Plan Review (staff report, pre-application)	✓	

<b>Rezoning of the Oceanarium Order</b>	<b>✓</b>	
<b>Expansion of the Scientific Research for Eleemosynary purpose district (JAX) Order</b>	<b>✓</b>	
<b>SD-2021-03 Harbor Lights Retirement Community signing of plat plan</b>	<b>✓</b>	



# Meeting Agenda

## Bar Harbor Planning Board

### Wednesday, April 6, 2022 at 4:00 PM

Council Chambers — Municipal Building — 93 Cottage Street

#### I. CALL TO ORDER

#### II. ADOPTION OF THE AGENDA

#### III. EXCUSED ABSENCES

#### IV. PUBLIC COMMENT PERIOD

The Planning Board allows up to 15 minutes of public comment on any subject not on the agenda nor on a pending application before the board, with a maximum of three minutes per person.

#### V. APPROVAL OF MINUTES

- a. March 2, 2022

#### VI. REGULAR BUSINESS

- a. **Public Hearing and Compliance Review for Subdivision Plan Modification SD-2021-05 — Clark Acres Subdivision, Fisk Lot Line**

**Applicant/Owner:** Jennifer Fisk, 54 Gretas Lane, Bar Harbor, Maine 04609

**Application:** The applicant proposes a modification to the 1989 Clark Acres Subdivision, most recently modified in 2020. The applicant proposes to split Tax Map 227, Lot 100, that encompasses  $\pm 12.08$  acres according to the town tax records, into two lots. Presently there is a house and the Acadia Woods Kennel (a full-service pet care facility) on the parcel. The split will create a front lot of about 5 acres to include the Acadia Woods Kennel and a back lot of about 7 acres to include the house. A 30-foot right-of-way, off the Crooked Road, will serve both lots.

**Project Location:** 54 Gretas Lane (Tax Map 227, Lot 100), encompassing a total of  $\pm 12.08$ , acres according to town tax records.

**District:** Town Hill Rural

- b. **Public hearing and Completeness/Compliance Review for Site Plan SP-2021-05 — Evergreen Yurts**

**Applicant/Owner:** Joshua and Kaitlin Hodgkins, 882 State Highway 3, Bar Harbor, Maine 04609

### PLEASE NOTE

- The Planning Board has adopted a Remote Participation Policy that allows it to use means of remote participation under certain circumstances. By 4:00 PM on Friday, April 1, 2022, it will be determined if remote participation will be an option for the April 6, 2022 meeting. To find out if remote participation will be an option, and if it is an option how to join via Zoom, go to <https://www.barharbormaine.gov/282/Planning-Board> at or after 4:00 PM on April 1, 2022.
- All Planning Board meetings are broadcast live on Bar Harbor Spectrum channel 7 (in Bar Harbor) and streamed online at [https://townhallstreams.com/towns/bar\\_harbor\\_me](https://townhallstreams.com/towns/bar_harbor_me) and archived on that website for later viewing after the meeting.
- Anyone with a disability wishing to attend this meeting and who may have questions about how to do so should contact Tammy Desjardin at [tdesjardin@barharbormaine.gov](mailto:tdesjardin@barharbormaine.gov) or at 288-3329.

**Application:** The applicant proposes to build eight, one-bedroom yurts with bathrooms, one common building with laundry, and recreational amenities. The existing driveway will be upgraded. A one-way loop will serve the yurts.  
**Project Location:** Off of State Highway 3 (Tax Map 206, Lot 61-2), encompassing a total of ±21.15 acres according to town tax records  
**Districts:** Salisbury Cove Rural and Stream Protection

**c. Public Hearing and Completeness/Compliance Review for Site Plan SP-2022-01 — College of the Atlantic Student Housing**

**Applicant/Owner:** College of the Atlantic, C/O Bear Paul, 106 Eden Street, Bar Harbor, Maine 04609

**Application:** The applicant proposes to build a three-story building for student housing. The building will house a maximum of 50 students. The building will be connected to existing campus utilities and infrastructure. Several small outbuildings will be relocated/removed. The project is intended to meet the needs of the existing student/staff population, not to expand it.

**Project Location:** 105 Eden Street (Tax Map 101, Lot 5), encompassing a total of ±36.07 acres, according to town tax records.

**District:** Educational Institution

**d. Completeness Review for Site Plan SP-2022-02 — Bar Harbor Community Solar**

**Applicant:** Bar Harbor Community Solar, LLC, 6 Balsam Circle, New Harbor, Maine 04554

**Owner:** Robert L. Mitchell Sr. and Jennifer Mitchell, 29 Beech Hill Crossroads, Mount Desert, Maine 04660

**Application:** To develop a large-scale (15 acres) ground-mounted solar energy system providing approximately 1.99 megawatts of power to the electrical grid.

**Project Location:** Off of Knox Road (Tax Map 220, Lot 67), encompassing a total of ±57.5 acres, according to town tax records

**District:** Town Hill Rural District, Shoreland Limited Residential and Resource Protection

**e. Sketch Plan Review for Subdivision SD-2022-01 - Red House Farm Subdivision**

**Applicant/Owner:** Finback on Cottage, LLC, C/O Michael Boland, P.O. Box 10, Bar Harbor, Maine 04609

**Application:** To subdivide a 27-acre lot into three (3), two-acre, single-family lots with a fourth, 21-acre lot to be retained by the owners.

**Project Location:** 16 Hadley Point Road (Tax Map 202, Lot 58), encompassing a total of ±27.18 acres, according to town tax records

**District:** Salisbury Cove Corridor and Salisbury Cove Residential.

**f. Sketch Plan Review for Subdivision SD-2022-04 – Lamb Subdivision – Anderson Lot Line**

**Applicant/Owner:** Michael and Fayelle Anderson, 25 Manteca Drive, Bar Harbor, Maine 04609

**Application:** The project consists of the modification of the Lamb Subdivision. The applicant seeks to divide Tax Map 206 Lot 14 (25 Manteca Drive) into two lots: an

11.85-acre lot with three existing dwelling units and a 2.2-acre lot with one existing dwelling unit.

**Project Location:** 25 Manteca Drive (Tax Map 206, Lot 14), encompassing a total of 14.05± acres, according to town tax records

**Districts:** Shoreland Limited Residential and Salisbury Cove Residential

- g. **Recommendation of the Planning Board, to be posted on the warrant for the Bar Harbor Town Meeting on June 14, 2022, to adopt or reject a Land Use Ordinance Amendment, dated December 8, 2021 and entitled “Rezoning of the Oceanarium and Education Center land from Shoreland Limited Residential District to Marine Research District.”**
- h. **Recommendation of the Planning Board, to be posted on the warrant for the Bar Harbor Town Meeting on June 14, 2022, to adopt or reject a Land Use Ordinance Amendment, dated December 8, 2021 and entitled “Expansion of the Scientific and Research for Eleemosynary Purposes District.”**
- i. **Signing of plat plans for approved Subdivision Plan SD-2021-03 Harbor Lights Retirement Community.**

**VII. OTHER BUSINESS**

- a. Comprehensive Plan Update — Elissa Chesler

**VIII. BOARD MEMBER COMMENTS/SUGGESTIONS FOR THE NEXT AGENDA**

**IX. REVIEW OF PENDING PLANNING BOARD PROJECTS**

**X. ADJOURNMENT**

**Meeting Minutes — Bar Harbor Planning Board**  
**Wednesday, March 2, 2022 — 4:00 PM**  
**Remote Meeting – held via Zoom webinar**

*Under the Planning Board's Remote Participation Policy, this meeting was conducted fully remotely (via the online video meeting platform Zoom) due to the urgent issue of the continuing COVID-19 pandemic and the declarations of a public health emergency by both the US and Maine departments of Health and Human Services.*

*Members of the public were able to view the proceeding by watching Spectrum channel 7 (in Bar Harbor) or by visiting <https://www.townhallstreams.com> and selecting Bar Harbor from the dropdown menu. Instructions on how to join the Zoom webinar and to offer comment during the public hearing portion of the meeting were posted online, in advance of the meeting, at: <https://www.barharbormaine.gov/282/Planning-Board>.*

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#### **I. CALL TO ORDER**

**Chairperson St. Germain called the meeting to order at 4:03 PM.** Planning Board members present were Chairperson Tom St. Germain, Vice-chairperson Joe Cough, Secretary Millard Dority, and members Ruth Eveland, Earl Brechlin, Elissa Chesler and Zachary Soares.

Town staff members present were Planning Director Michele Gagnon, Code Enforcement Officer Angela Chamberlain, Deputy Code Enforcement Officer Mike Gurtler and Assistant Planner Steve Fuller.

Jennifer Fisk, Joshua and Kaitlin Hodgkins, Sam Coplon, Timothy Lock, Darron Collins and Alina Watt were also present.

#### **II. ADOPTION OF THE AGENDA**

**Secretary Dority moved to adopt the agenda. Ms. Chesler seconded the motion, which then carried unanimously, 7-0, on a roll-call vote.**

#### **III. EXCUSED ABSENCES**

As all members were present, there were no absences to excuse.

#### **IV. PUBLIC COMMENT PERIOD**

**Chairperson St. Germain opened the public comment period at 4:05 PM.** Assistant Planner Fuller shared the information for how to join and participate in the Zoom webinar. No one indicated a desire to speak, however, and so the **public comment period was subsequently closed at 4:06 PM.**

#### **V. APPROVAL OF MINUTES**

- a. February 2, 2022

Secretary Dority moved to approve the minutes of February 2, 2022. Mr. Brechlin seconded the motion, which then carried unanimously, 6-0, on a roll-call vote. Mr. Soares abstained, as he was not a member of the Planning Board during its February 2 meeting.

## **VI. REGULAR BUSINESS**

### **a. Completeness Review for Subdivision Plan Modification SD-2021-05 — Clark Acres Subdivision, Fisk Lot Line**

**Applicant/Owner:** Jennifer Fisk, 54 Gretas Lane, Bar Harbor, Maine 04609

**Application:** The applicant proposes a modification to the 1989 Clark Acres Subdivision, most recently modified in 2020. The applicant proposes to split Tax Map 227, Lot 100, that encompasses  $\pm 12.08$  acres according to the town tax records, into two lots. Presently there is a house and the Acadia Woods Kennel (a full-service pet care facility) on the parcel. The split will create a front lot of about 5 acres to include the Acadia Woods Kennel and a back lot of about 7 acres to include the house. A 30-foot right-of-way, off the Crooked Road, will serve both lots.

**Project Location:** 54 Gretas Lane (Tax Map 227, Lot 100), encompassing a total of  $\pm 12.08$ , acres according to town tax records.

**District:** Town Hill Rural

Jennifer Fisk gave an overview of the project. She noted that nothing would change on the property other than the division of the one lot into two lots and the ownership of the lots. Chairperson St. Germain asked for questions from Board members; none were raised.

Chairperson St. Germain opened the public comment period at 4:12 PM. Assistant Planner Fuller shared the information for how to join and participate in the Zoom webinar. No one indicated a desire to speak, however, and so the public comment period was subsequently closed at 4:14 PM.

Secretary Dority moved to grant the waivers as requested by the applicant, as such waivers will not unduly restrict the review process as they are inapplicable, unnecessary or inappropriate for completeness review. Mr. Brechlin seconded the motion, which then carried unanimously, 7-0, on a roll-call vote.

Secretary Dority moved to find the application SD-2021-05 — Clark Acres Subdivision, Fisk Lot Line complete per the Bar Harbor Land Use Ordinance §125-66 and to schedule a public hearing on the application on April 6, 2022, with the condition that the description of the 30-foot right of way be added to the new deed before final approval of the application. Mr. Brechlin seconded the motion. Discussion followed. Ms. Chesler said some of the exhibits were not very well labeled, although she was ultimately able to figure it out. She was willing to move forward without the motion being amended. The motion as originally stated then carried unanimously, 7-0, on a roll call vote.

**b. Completeness Review for Site Plan SP-2021-05 — Evergreen Yurts**

**Applicant/Owner:** Joshua and Kaitlin Hodgkins, 882 State Highway 3, Bar Harbor, Maine 04609

**Application:** The applicant proposes to build eight, one-bedroom yurts with bathrooms, one common building with laundry, recreational amenities. The existing driveway will be upgraded. A one-way loop will serve the yurts.

**Project Location:** Off of State Highway 3 (Tax Map 206, Lot 61-2), encompassing a total of ±21.15 acres according to town tax records

**Districts:** Salisbury Cove Rural and Stream Protection

Joshua and Kaitlin Hodgkins gave an overview of the project. The yurts will be completely plumbed, said Ms. Hodgkins. There will be a communal fire pit but there will not be fire pits at each site; there will be picnic tables, lights and parking spaces at each site. Sam Coplon of Coplon Associates, who had assisted the Hodgkins with site planning, noted that the area has a fairly open understory and will require minimal clearing. There is an existing network of woods roads, he said. The loop shown on the plans is basically an existing loop road. Most of the impact on the landscape is located on previously disturbed or cleared areas, said Mr. Coplon.

Chairperson St. Germain opened the meeting to questions from the Board. Ms. Eveland asked a question regarding septic. Mr. Coplon clarified that laundry is only for use by the owners of the development for things like bedding, and not by the guests themselves. Ms. Eveland asked about inconsistencies relating to signs; Mr. Coplon clarified that there will be internal directional signs but no signs on the public way. Ms. Hodgkins said there would not be a large sign on Route 3 with the name of the project. Secretary Dority asked how guests would find the location. There's a clear number on the road and existing street name, said Mr. Coplon, that would direct guests.

Ms. Chesler requested to see written clarification that a survey initially requested by the Maine Historic Preservation Commission would no longer be required. Mr. Coplon said the applicant had written the commission to request that but had yet to receive a response. Ms. Chesler asked whether there would be access to Northeast Creek with a path or walkway. There are historic footpaths on the land for guests to use, said Ms. Hodgkins. They will not be improved or changed. The Historic Preservation Commission should know where those are and potentially survey them, said Ms. Chesler. Mr. Coplon said any earth moving is well clear of the zone of interest; there is an updated plan showing distances. There was some discussion on the footpaths. It would be ideal to have their current location marked on the overall site plan, said Ms. Chesler.

Planning Director Gagnon agreed with Ms. Chesler's idea that the applicant show the paths on the existing plan. Planning Director Gagnon said anything that involved soil disturbance to the paths would mean the applicant would have to return to the Planning Board.



Mr. Brechlin asked a question about vegetation, landscape and buffering and whether there should be more detailed information in writing provided under §125-69 D. (4). He referenced a comment the Planning Board received from an abutter, on the subject of buffering. Ms. Hodgkins said they would be happy to plant trees. Mr. Coplon said the applicant could show more detailed information on buffering in an updated plan to be provided in advance of the anticipated public hearing at the Planning Board in April.

Vice-chairperson Cough asked for a description of the lot layout and vegetation. The lot was harvested roughly eight years ago, said Mr. Hodgkins. There is a small clearing there now. Ms. Hodgkins said they plan to plant trees and perhaps put a garden or solar panels in that space. The area is partially wooded and partially open, said Mr. Coplon. That will get turned into a usable green space. There is a buffer of trees along the property line that eventually tapers to a point.

Discussion turned to waivers. Chairperson St. Germain asked whether Item 4. A. of the Site Plan/Subdivision Application Checklist should be an exhibit; Planning Director Gagnon indicated yes. He asked the same question about Item 7.1 regarding sewage disposal. Planning Director Gagnon said subsurface wastewater disposal was covered under checklist Item 15.

Chairperson St. Germain asked for clarification regarding certain letters under Item 9 in the checklist. What is necessary has been provided, said Planning Director Gagnon, while certain ones are only relevant for subdivisions. Chairperson St. Germain asked why Item 10 was waived. Ms. Hodgkins noted a statement in the application that spoke to that question.

There was a discussion on surveys and profiles. Chairperson St. Germain asked whether Item 12.C should be an exhibit. Yes, said Planning Director Gagnon. There was a question on detailed specs on the road, she said. There are a number of driveway standards, said Code Enforcement Officer Chamberlain, who then enumerated some of them. The width of the project road standard is noted on the site plan, said Mr. Coplon. Typical driveway construction standard is shown, he added. Chairperson St. Germain asked about fire protection, Item 18 A. The Fire Department letter is not there yet, said Planning Director Gagnon. That is typically provided at the second meeting, she said. No concerns were mentioned by the Fire Chief, she said.

Chairperson St. Germain asked a question regarding the lighting plan and total lumens. He asked if the Board could get cut sheets to show the lighting. He asked if the 1,800 lumens limit was for individual fixtures or collective, for all the fixtures in aggregate. If the fixture doesn't exceed 1,800 lumens it is typically exempt, said Planning Director Gagnon. All lighting less than 1,800 lumens is exempt, said Code Enforcement Officer Chamberlain, even if it adds up to more in the aggregate. Secretary Dority asked whether there would be lighting along the road. There is no lighting planned on the road, said Mr. Coplon. The idea is to not have too much lighting and to keep it as much of a natural and wooded experience as possible, he said.

Ms. Eveland asked about the proposed wells on site, their location, and their expected use. She said she just wanted to make sure there was enough water on site to serve the proposed use.

**Secretary Dority moved to grant the waivers granted requested by the applicant, with the exception of Items 4.8, 7.1E, 11 A, B and C, and 12.C, as the other waivers will not unduly restrict the review process as they are inapplicable, unnecessary or inappropriate for completeness review. Mr. Brechlin seconded the motion, which then carried unanimously, 7-0, on a roll-call vote.**

**Secretary Dority moved to find application SP-2021-05 — Evergreen Yurts — incomplete per the Bar Harbor Land Use ordinance §125-66, as the 30-foot right of way over Betsy Corrigan's property is not formalized, the Fire Department and the Public Works Department capacity letters have not been submitted, and the Fire Marshal has not completed its review of the project and Board members have concerns about waivers listed in the prior motion, and to schedule a public hearing on April 6, 2022. Mr. Brechlin seconded the motion. Vice-chairperson Cough asked whether the applicant would be able to meet the necessary submission deadline in order for compliance review/public hearing to be held on April 6, 2022; Mr. Coplon said everything within control of the applicant would be submitted in time. Planning Director Gagnon noted there had not been an opportunity for public comment.**

**Chairperson St. Germain opened the meeting for public comment. Assistant Planner Fuller shared (via the screen share feature) the information for how to join and participate in the Zoom webinar. No one indicated a desire to speak, however, and so the public comment period was subsequently closed.**

**The motion to find the application incomplete but schedule it for a public hearing on April 6, 2022, then carried unanimously (7-0) on a roll-call vote.**

**c. Completeness Review for Site Plan SP-2022-01 — College of the Atlantic Student Housing**

**Applicant/Owner:** College of the Atlantic, C/O Bear Paul, 106 Eden Street, Bar Harbor, Maine 04609

**Application:** The applicant proposes to build a three-story building for student housing. The building will house a maximum of 50 students. The building will be connected to existing campus utilities and infrastructure. Several small outbuildings will be relocated/removed. The project is intended to meet the needs of the existing student/staff population, not to expand it.

**Project Location:** 105 Eden Street (Tax Map 101, Lot 5), encompassing a total of ±36.07 acres, according to town tax records.

**District:** Educational Institution

Secretary Dority suggested that he recuse himself due to a long-standing relationship with College of the Atlantic (COA), even though he was no longer directly employed by the College. Chairperson St. Germain asked for guidance from Vice-chairperson Cough. A Board member should make a motion either that Secretary Dority be recused for the reasons outlined or instead find that there was no conflict of interest, said Vice-chairperson Cough.

**Vice-chairperson Cough moved that Secretary Dority does have a conflict of interest with regard to application SP-2022-01 — College of the Atlantic Student Housing. Mr. Brechlin seconded.** Discussion followed. Chairperson St. Germain said he did not feel Secretary Dority had a conflict of interest as he was no longer employed by COA. Chairperson St. Germain raised a concern regarding parking and said Secretary Dority had expertise in that regard and others which would be valuable for the Board to hear during its review of this particular application.

Ms. Chesler said she did not feel Secretary Dority had a financial conflict of interest and had no problem with him participating in the discussion. Mr. Brechlin asked whether Secretary Dority materially participated in the creation of the project or application in question. Secretary Dority replied that he was very involved in the planning. Secretary Dority added that he felt the mere perception of his involvement was “not something the Planning Board needs.” Vice-chairperson Cough said there was no question about Secretary Dority’s integrity, and nobody disagreed.

**The motion to find Secretary Dority had a conflict of interest on this application then carried without opposition, 5-0, on a roll-call vote, with Secretary Dority not voting and Mr. Soares abstaining. With that, the voting membership of the Board dropped to six.**

Mr. Soares explained that he is a current staff member and visiting faculty member at College of the Atlantic and suggested he be recused from both the discussion and vote on this application.

**Ms. Eveland moved to recuse Mr. Soares from the vote and discussion on application SP-2022-01 — College of the Atlantic Student Housing. Ms. Chesler seconded the motion and it then carried without opposition (5-0) on a roll-call vote, with Mr. Soares abstaining and Secretary Dority already recused. The Board’s voting membership then dropped to five.**

Darron Collins, president of COA, gave an overview of the project. It is part of the College’s long-term strategy. First, the College has put a ceiling on the number of students, at 350. “Being small is part of the secret sauce of the College,” said Mr. Collins, and the College is committed to staying at 350 students. The College needs to house more students in COA-managed housing both on and off campus. The goal is to house at least 75% of students in COA-managed housing.

The project has four guardrails: scale and location, sustainability, cost and schedule. The College recently completed a \$55-million capital campaign and has the funds; officials would like to have this complete and ready for move-in by the fall of 2023, said Mr. Collins.

Timothy Lock, management partner at OPAL Global LLC (architect of record for the project), provided more information. The building will have common space on the first floor and residences on the second and third floors. It will be fully sprinkled. It is located on a previously disturbed site. The building will be served by existing infrastructure, said Alina Watt of Hedefine Engineering & Design, Inc. This project would require a major amendment to an existing DEP Site Location of Development permit on the campus. That application is being pulled together.

Does this mean there will be fewer COA students looking for housing in-town, asked Chairperson St. Germain. Yes, said Mr. Collins. Vice-chairperson Cough asked how close this project would get the College to its 75% goal. This will get us to 81%, said Mr. Collins.

**Chairperson St. Germain opened the meeting for public comment.** Assistant Planner Fuller shared (via the screen share feature) the information for how to join and participate in the Zoom webinar. **No one indicated a desire to speak, however, and so the public comment period was subsequently closed.**

Chairperson St. Germain asked a number of questions regarding waivers under the Site Plan/Subdivision Application Checklist. The applicant is requesting a waiver for Item 9.G, but it is typical for the Board to ask for total lot coverage, said Chairperson St. Germain. Under Item 9.Y, it says “exhibit” but the applicant is asking for a waiver. If it is an exhibit, he asked, why is it being asked for as a waiver?

Chairperson St. Germain raised a question regarding parking. The Planning Board is required to look at parking for the entire application, he said, and wondered whether the Planning Board should grant a waiver for that. Code Enforcement Officer Chamberlain read from a staff report on a previous COA application that had been supplied by the school in 2019, she said.

Current parking is adequate for the size of the College, said Ms. Chesler, and there will not be additional students on campus as a result of the housing. Ms. Eveland asked what the policy is regarding students having cars on campus. If that information was available from several years ago it would not be difficult to put together an amended site plan to include those items, said Vice-chairperson Cough.

Chairperson St. Germain asked about lighting. He asked why, if a lighting plan was being provided, they would ask for a waiver. Planning Director Gagnon said the idea is the lighting plan can be waived if the applicant can demonstrate the lighting is less than 1,800 lumens, and that the information provided by the applicant was to show they were not exceeding that level.

**Ms. Chesler moved to grant the waivers requested by the applicant as such waivers will not unduly restrict the review process as they are inapplicable, unnecessary or inappropriate for completeness review. Mr. Brechlin seconded the motion.** Planning Director Gagnon noted that there were exceptions to the waiver requests. **Ms. Chesler amended her original motion,**

**moving to grant the waivers requested by the applicant with the exception of Items 9.G and 9.II, as such waivers will not unduly restrict the review process as they are inapplicable, unnecessary or inappropriate for completeness review. Mr. Brechlin seconded the amended motion. The amended motion then carried unanimously, 5-0, on a roll-call vote.**

Chairperson St. Germain noted some of the documents in the application were from a previous site plan (for the Center for Human Ecology). He asked if Board members were comfortable with that. Ms. Watt said those documents were also used in the applicant's revised submission to the Department of Environmental Protection, and that that agency typically considers such documents valid for a period of five years. She said the applicant was looking to take the same approach with the Planning Board in its review of the proposed new project.

Planning Director Gagnon said that she, for one, was comfortable with this approach. Vice-chairperson Cough said any items that may have changed since those earlier plans should be shown on plans in this newer application. "Sometimes things change," he said. Ms. Chesler agreed. Ms. Watt said many of the documents supplied that were used for the SLODA permit were used for the entire campus. Many were agency reviews for things that do not change over the course of several years. Anything specific to the site has been updated, she said.

Planning Director Gagnon noted that the applicant had taken multiple lots that existed previously and merged them into one lot. She said this approach should be beneficial to all involved.

Planning Director Gagnon suggested it was most important to give the applicant guidance regarding next steps for parking and whether more parking would be required or if the Board simply wants to know what is available. Vice-chair Cough said the Board could not offer much in the way of guidance, from his perspective, without more information from the applicant.

Secretary Dority, speaking not as a Board member but as a former employee of COA who was closely involved with the development of this project, said the college has always aimed to be clear about parking. He said it had always been careful to provide one space for each classroom and whatever the appropriate number was for employees. He said he believed COA had exceeded, and still was exceeding, anything required by the Land Use Ordinance for parking.

Chairperson St. Germain asked if anyone recalled what parking standards had been applied several years ago for COA's most recent large-scale project (Center for Human Ecology). Code Enforcement Officer Chamberlain recalled that the school had provided a plan with a table clearly showing all the parking spaces and how the number had been calculated. She said it seemed to her that if nothing had changed regarding parking that plan would be sufficient.

Chairperson St. Germain wanted a way to make parking requirements clear in advance of the public hearing and make sure the applicant could be secure in the knowledge their method for calculating parking meets requirements (to satisfy a future Planning Board, as/if needed).

Planning Director Gagnon said the question would be if parking was scattered all over the place with ingress and egress being obstructed (in which case there would be a safety issue). If that was not the situation, then there wouldn't be an issue with parking, she said. She said if the Fire Chief was comfortable and there is no real standard for this particular use under ordinance, then the Planning Board cannot apply a standard without opening itself up to a possible challenge. She said town staff had heard nothing to indicate that there was a problem with current parking.

Mr. Collins said he was curious as to why this was seen as an issue. He said this housing will not change parking demands on campus. Students will have to get to campus whether they live on or off campus, he said, and housing them on campus would not increase the number of cars. The Board is required to review parking, said Chairperson St. Germain, and he read the requirement. The number of people shouldn't change, said Ms. Chesler, and it may be easier for students to attend without a car given that they will be on campus (and would not need to drive from town to COA). Chairperson St. Germain said it was not necessarily an increase but was a change, given that 50 more students will be living on campus, and that it falls to the Board to review parking.

Code Enforcement Officer Chamberlain read information on how parking spaces were calculated for the previous project (Center for Human Ecology). COA was required to have 84 spaces per the Bar Harbor Land Use Ordinance and there are 188 on the site, she said. Nowhere in the requirements does it account for parking necessary for 350 students, said Ms. Chesler.

In discussion, it was stated 76 or 77 of the parking spaces were based on a calculation for approximately 115 faculty/staff members, and that the remaining 111 or 112 (the difference between 188 and 76 or 77) were "adequate to meet the needs of the specific operators."

Is there a standard we can apply? asked Chairperson St. Germain. The parking data from 2018 would be a good jumping-off point, said Mr. Brechlin, as would consulting with the Fire Department as suggested by town staff. Chairperson St. Germain agreed. It would behoove future applications to have some better standard so no one is caught off-guard, he added.

Mr. Collins asked what Chairperson St. Germain meant by caught off-guard and who would decide. A future Board could, hypothetically, decide 188 spaces isn't enough, said Chairperson St. Germain, and COA could refer back to the Board's findings in this application to indicate there is adequate parking. Showing how they're meeting the guidelines, even if those guidelines aren't specific, said Ms. Chesler, would be acceptable. They may have more insight into the number of vehicles and parking spaces on campus.

**Mr. Brechlin moved to find the application SP-2022-01 — College of the Atlantic Student Housing incomplete per the Bar Harbor Land Use Ordinance §125-66 as the Maine DEP Site Location of Development Permit is not included, the Fire Marshal has not yet**

approved the application, the Fire Department, Public Works, the Water Department and Sewer Department Capacity letters have not been submitted and more information under Site Plan/Subdivision Application Checklist, Item 9.II, regarding additional detail of existing parking and information and description of how existing parking is used is necessary, and to schedule a public hearing on April 6, 2022. The motion was seconded by Ms. Chesler. Chairperson St. Germain noted that Vice-chairperson Cough was no longer present; Assistant Planner Fuller said Vice-chairperson Cough had advised he might have a period of no cell service. **The motion then carried 4-0 on a roll-call vote. (With Vice-chair Cough being temporarily unavailable, the Board's voting membership dropped to four).**

Secretary Dority and Mr. Soares re-entered the meeting. Assistant Planner Fuller noted that Vice-chairperson Cough had rejoined the meeting; Vice-chairperson Cough said he hadn't missed "more than a minute or two," due to a drop in cell phone coverage while traveling. **With the three of them back, the Board's voting membership then returned to seven members.**

## **VII. OTHER BUSINESS**

### **a. Comprehensive Plan Update - Elissa Chesler**

The Comprehensive Planning Committee is continuing its work, said Ms. Chesler. The topic for the next meeting is economy and transportation. A housing discussion at the last meeting was "extremely lively." That is a priority issue the Committee will be working on. The stakeholder input form is now live and Board members may contribute information using that form. Planning Director Gagnon explained how to comment.

There is a lot of concern about affordability, availability and attainability of housing, said Ms. Chesler. There was not a lot of concrete discussion on where that housing could go. There was not much contentiousness to the discussion, she said, but many wrinkles were raised related to housing issues. Those are reflected in the meeting minutes that were distributed to the Board.

Assistant Planner Fuller shared his screen and put up some information on how to participate. Planning Director Gagnon noted the information would be put in just one spot within a week.

## **VIII. BOARD MEMBER COMMENTS/SUGGESTIONS FOR THE NEXT AGENDA**

Planning Director Gagnon asked whether the Board would be meeting in-person in the future. The Town Council is allowing each board to decide. Ms. Chesler suggested basing it on the CDC's three-color system. She would prefer to be remote if members were going to be required to wear masks. Vice-chairperson Cough wanted to be in-person but would rather be remote than wear a mask. Masking indoors is recommended by the CDC, said Deputy CEO Mike Gurtler, based on the current CDC community levels in Hancock County. Discussion continued. Planning Director Gagnon suggested making a decision early enough for staff to give proper public notice.

Vice-chairperson Cough was comfortable with Chairperson St. Germain making a decision prior to March 18, 2022, to give staff that time. There was more discussion on the issue. Board members were optimistic that they could meet in person, without masks, on April 6, 2022.

There will be a workshop (remote, via Zoom) on March 16, 2022 at 5:15 PM, said Planning Director Gagnon, to discuss areas of concern in the PUD.

Secretary Dority thanked Planning Director Gagnon for organizing the recent workshop on housing. Assistant Planner Fuller thanked Secretary Dority for attending from afar (Secretary Dority attended the February workshop via Zoom from his hospital room) and noted that the workshop was recorded and uploaded to the Town Hall Streams website. Vice-chairperson Cough was unable to connect to the workshop on housing but said he did listen and that it was great. He thanked staff; Ms. Chesler agreed and said she would love to see the data charted out.

#### **IX. REVIEW OF PENDING PLANNING BOARD PROJECTS**

None.

#### **X. ADJOURNMENT**

At 6:49 PM, Ms. Chesler moved to adjourn. Vice-chair Cough seconded the motion, which then carried unanimously (7-0) on a roll-call vote.

**Minutes approved by the Bar Harbor Planning Board on April 6, 2022:**

---

**Date**

**Millard Dority**

**Secretary, Bar Harbor Planning Board**





# **TOWN OF BAR HARBOR**

## **Planning and Code Enforcement**

93 Cottage Street  
Bar Harbor, ME 04609-1400

# **STAFF REPORT**

## **COMPLIANCE REVIEW FOR SUBDIVISION PLAN MODIFICATION SD-2021-05 — CLARK ACRES SUBDIVISION, FISK LOT LINE**

**Date:** March 30, 2022  
**Prepared by:** Michele Gagnon, Planning Director  
**PB meeting date:** April 6, 2022  
**Applicant/Owner:** Jennifer Fisk, 54 Gretas Lane, Bar Harbor, Maine 04609  
**Application:** The applicant proposes a modification to the 1989 Clark Acres Subdivision, most recently modified in 2020. The applicant proposes to split Tax Map 227, Lot 100, that encompasses  $\pm 12.08$  acres, according to the town tax records, into two lots. Presently there is a house and the Acadia Woods Kennel (a full-service pet care facility) on the parcel. The split will create a front lot of about 5 acres to include the Acadia Woods Kennel and a back lot of about 7 acres to include the house. A 30-foot right-of-way, off the Crooked Road, will serve both lots.  
**Project Location:** 54 Gretas Lane (Tax Map 227, Lot 100), encompassing a total of  $\pm 12.08$  acres according to town tax records.  
**Districts:** Town Hill Rural  
**Allowed Use:** Single Family dwelling and kennel  
**LUO compliance:** 125-67 and 125-69 N  
**Review Process:**

1. Applicant presents project
2. Questions and comments from the board
3. Hold public hearing
4. Deliberations and determination of compliance with standards in 125-67 and 125-69 N.

Proposed Motion: Move to approve the application SD-2021-05 Clark Acres Subdivision – Fisk Lot Line, per the decision dated April 6, 2022, as it meets the standards of the Bar Harbor Land Use Ordinance sections 125-67 and 125-69 N. with the following condition of approval — that the deed include the 30-foot right-of-way as shown on the plat plan.



## **Town of Bar Harbor Planning & Code Department**

# **DECISION**

### **SUBDIVISION PLAN MODIFICATION SD-2021-05 — CLARK ACRES SUBDIVISION, FISK LOT LINE**

**APRIL 6, 2022**

**Applicant/Owner:  
Application:**

Jennifer Fisk, 54 Gretas Lane, Bar Harbor, Maine 04609  
The applicant proposes a modification to the 1989 Clark Acres Subdivision, most recently modified in 2020. The applicant proposes to split Tax Map 227, Lot 100, that encompasses  $\pm 12.08$  acres, according to the town tax records, into two lots. Presently there is a house and the Acadia Woods Kennel (a full-service pet care facility) on the parcel. The split will create a front lot of about 5 acres to include the Acadia Woods Kennel and a back lot of about 7 acres to include the house. A 30-foot right-of-way, off the Crooked Road, will serve both lots.

**Project Location:**

54 Gretas Lane (Tax Map 227, Lot 100), encompassing a total of  $\pm 12.08$  acres according to town tax records.

**Districts:**

Town Hill Rural

**Allowed Use:**

Single Family dwelling and kennel

**Received:**

December 9, 2022

**Meeting Dates:**

Sketch Plan Review — January 5, 2022

Site Visit — January 19, 2022

Completeness Review — March 2, 2022

Public Hearing and Completeness Review — April 6, 2022

**The approval is based upon the following submitted plans:**

- **Amendment #1, Clark Acres Crooked Road – Town Hill, dated January 19, 2022 prepared by Thomas Benson, PLS**

**To the Code Enforcement Officer:** Under the authority and requirements of the Land Use Ordinance §125-61 F, at the properly noticed public hearing on April 6, 2022, by a motion duly made and seconded, it was voted to approve the noted application.

This approval is based upon the following **FINDINGS AND CONCLUSIONS OF LAW:**

1. Based on the documents received, this application meets the requirements under the Land Use Ordinance Article V.
2. Based upon the documents received, and accepting the work of the professionals who have prepared the documents, the Planning Board finds that the application meets the requirements of Section 125-67 General Standards, as presented in the table below:

### Section 125-67 General Standards

	REQUIREMENTS/STANDARDS	NOT APPLICABLE	APPLICABLE/ MET	COMMENTS
A.	Permitted use		✓	
B.	Lot standards		✓	
C.	Height	✓		
D.	Parking requirements	✓		
E.	Parking areas and driveways	✓		
F.	Loading requirements	✓		
G.	Street, sidewalks, and access	✓		
H.	Buffering and screening	✓		
I.	Water supply	✓		
J.	Municipal water supply	✓		
K.	Groundwater	✓		
L.	Stormwater management	✓		
M.	Municipal sewer facilities	✓		
N.	Sewage disposal	✓		
O.	Soils	✓		
P.	Landscaping	✓		
Q.	Erosion	✓		
R.	Flood permit	✓		
S.	Air quality	✓		
T.	Refuse disposal	✓		
U.	Dangerous or hazardous materials and wastes	✓		
V.	Vibration	✓		
W.	Wildlife habitat	✓		
X.	Aesthetic areas and physical and visual access	✓		
Y.	Heat	✓		
Z.	Light and glare	✓		
AA.	Noise	✓		
BB.	Signs and advertising	✓		
CC.	Outdoor storage and displays	✓		
DD.	Utilities		✓	
EE.	Fire protection	✓		
FF.	Comprehensive plan		✓	
GG.	Financial and technical capacity	✓		
HH.	Farmland	✓		
II.	Other municipal services	✓		
JJ.	Violations		✓	
KK.	Legal documents	✓		
LL.	Historic and archaeological resources	✓		
MM.	Utilization of the site	✓		
NN.	Natural Features	✓		

3. Based upon the documents received, and accepting the work of the professionals who have prepared the documents, this application meets the requirements of Section 125-69 Standards for particular uses, structures or activities N. Subdivision, as presented in the table below:

### Section 125-69 Standards for particular uses, structures or activities

	REQUIREMENTS/STANDARDS	NOT APPLICABLE	APPLICABLE/MET	COMMENTS
<b>N. Subdivisions</b>				
(1)	Monuments		✓	
(2)	Blocks	✓		
(3)	Lot standards		✓	
(4)	Frontage		✓	
(5)	Double frontage and reverse frontage	✓		
(6)	Lot lines		✓	
(7)	Future development	✓		
(8)	Land not suitable for development		✓	

**The applicant is advised of the following:**

1. No modifications shall be made to this approval, including changes to the plans, accompanying documents, and/or conditions, without a review for a modification under the requirements in Section 125-88 of the Land Use Ordinance.
2. This permit does not relieve the applicant from any other local, state or federal permits that may be required for this proposed development.
3. Please refer to Article VIII for standards/conditions that will be applied to the construction of this project. No performance bonds are required.
4. Appeals of this decision may be made to the Board of Appeals pursuant to Section 125-103 of the Bar Harbor Land Use Ordinance within 30 days of this decision. It is the risk of the applicant to commence construction during this period.
5. Violations of any conditions placed upon this approval are subject to enforcement per Article IX, Section 125-100 B of the Land Use Ordinance.
6. Per Section 125-75, the plat plan shall be signed by the Planning Board within 45 days of this signed decision and recorded by the applicant at the Hancock County Registry of Deeds within 90 days of the plan being signed by the Planning Board.
7. **Condition of Approval:** the deed to include the 30-foot right-of-way, as shown on the plat plan, shall be recorded to the Hancock County Registry of Deeds within 90 days of the plan being signed by the Planning Board and proof provided to the Code Enforcement Officer within 90 days of the plan being signed by the Planning Board.

No modifications to this approval shall be made without an application to the Planning Department.

Tom St. Germain, Chair  
Planning Board, Town of Bar Harbor

Date



**TOWN OF BAR HARBOR**  
**Planning and Code Enforcement**  
93 Cottage Street  
Bar Harbor, ME 04609-1400

# STAFF REPORT

## **PUBLIC HEARING, COMPLETENESS/COMPLIANCE REVIEW** **SP-2021-05 — EVERGREEN YURTS**

**Date:** March 31, 2022

**Prepared by:** Michele Gagnon, Planning Director

**PB Meeting Date:** April 6, 2022

**Applicant/Owner:** Joshua and Kaitlin Hodgkins, 882 State Highway 3, Bar Harbor, Maine 04609

**Application:** The applicant proposes to build eight, one-bedroom yurts with bathrooms, one common building with laundry, and recreational amenities. The existing driveway will be upgraded. A one-way loop will serve the yurts.

**Project Location:** Off of State Highway 3 (Tax Map 206, Lot 61-2), encompassing a total of  $\pm 21.15$  acres according to town tax records.

**Districts:** Salisbury Cove Rural and Stream Protection

**Allowed use:** Campground

**Applicable Laws:** Completeness — 125-66 Submission Requirements  
Compliance — §125-67 General Standards  
§125-68 Shoreland Standards  
§125-69 C. Campgrounds

**Review Process:**

1. Applicant presents application
2. Questions and comments from the board
3. Wrap-up completeness review

Proposed motion: Move to find the application SP-2021-05 Evergreen Yurts complete, per the Bar Harbor Land Use Ordinance section 125-66, as the Fire Department capacity letter was submitted and it was demonstrated the

**project does not require Fire Marshal approval, as requested by the Planning Board on March 2, 2022, and that the Public Works Department capacity letter and the deeded 30-foot right-of-way over Betsy Corrigan's property can be conditions of approval.**

4. Hold public hearing
5. Deliberations and determination of compliance with standards per 125-67, 125-68 and 125-69 C.

**Proposed Motion: Move to approve the application SP-2021-05 Evergreen Yurts per the decision dated April 6, 2022, as it meets the standards of the Bar Harbor Land Use Ordinance sections 125-67, 125-68 and 125-69 C. with the following conditions of approval: capacity letter from the Public Works Department, updated lot coverage to capture the paths to the water/wetland on L1 Context Site Plan, and recorded deed showing a 30-foot right-of-way over Betsy Corrigan's property to be provided to the CEO prior to permits being issued.**

**Staff Comment:**

- The applicant has provided the necessary clearance from MHCP and IFW.
- The existing walking paths have been shown on the site plan.
- Landscaping details were provided.
- Lighting cutsheet was provided showing it is less than 1,800 lumens.
- Documentation was provided showing that the septic is appropriately sized.



## **Town of Bar Harbor Planning & Code Department**

# **DECISION**

### **SP-2021-05 — EVERGREEN YURTS**

**Date:** April 6, 2022

**Applicant/Owner:** Joshua and Kaitlin Hodgkins, 882 State Highway 3, Bar Harbor, Maine 04609

**Application:** The applicant proposes to build eight, one-bedroom yurts with bathrooms, one common building with laundry, and recreational amenities. The existing driveway will be upgraded. A one-way loop will serve the yurts.

**Project Location:** Off of State Highway 3 (Tax Map 206, Lot 61-2), encompassing a total of  $\pm 21.15$ , acres according to town tax records.

**Districts:** Salisbury Cove Rural and Stream Protection

**Allowed use:** Campground

**Received:** February 10, 2022

**Meeting Date:** March 2, 2022 – Completeness  
April 6, 2022 – Public hearing, completeness and compliance review

**Comment Period:** Ended April 4, 2022

**The approval is based upon the following submitted plans:**

- L1 Context Site Plan prepared by Coplon Associates dated 3-14-22
- L2 Site Plan prepared by Coplon Associates dated 3-14-22
- Preliminary HHE-200 Site Sketch dated 2/7/2022
- HHE200 Page 3A Disposal System Plan prepared by Atlantic Resource Co. LLC dated 2/7/2022

- HHE200 Page 3B Cross section prepared by Atlantic Resource Co. LLC dated 2/7/2022
- Evergreen Yurts design and floor plan
- 24' Yurt
- Lodge design and floor plan
- Floor Plan 1<sup>st</sup> Floor
- Floor Plan Loft

**To the Code Enforcement Officer:** Under the authority and requirements of the Land Use Ordinance §125-61 F, at the properly noticed public hearing on April 6, 2022, by a motion duly made and seconded, it was voted to approve the noted application.

**This approval is based upon the following FINDINGS AND CONCLUSIONS OF LAW:**

1. Based on the documents received, this application meets the requirements under the Land Use Ordinance Article V.
2. Based upon the documents received, and accepting the work of the professionals who have prepared the documents, the Planning Board finds that the application meets the requirements of Section 125-67 General Standards, as presented in the table below:

### Section 125-67 General Standards

	REQUIREMENTS/STANDARDS	NOT APPLICABLE	APPLICABLE/ MET	COMMENTS
A.	Permitted use		✓	
B.	Lot standards		✓	
C.	Height		✓	
D.	Parking requirements		✓	
E.	Parking areas and driveways		✓	
F.	Loading requirements	✓		
G.	Street, sidewalks, and access	✓		
H.	Buffering and screening		✓	
I.	Water supply		✓	
J.	Municipal water supply	✓		
K.	Groundwater	✓		
L.	Stormwater management		✓	
M.	Municipal sewer facilities	✓		
N.	Sewage disposal		✓	
O.	Soils	✓		
P.	Landscaping		✓	
Q.	Erosion		✓	
R.	Flood permit	✓		
S.	Air quality	✓		
T.	Refuse disposal		✓	
U.	Dangerous or hazardous materials and wastes	✓		
V.	Vibration	✓		
W.	Wildlife habitat		✓	
X.	Aesthetic areas and physical and visual access		✓	
Y.	Heat	✓		
Z.	Light and glare	✓		
AA.	Noise	✓		
BB.	Signs and advertising	✓		
CC.	Outdoor storage and displays	✓		
DD.	Utilities		✓	
EE.	Fire protection		✓	
FF.	Comprehensive plan		✓	
GG.	Financial and technical capacity		✓	
HH.	Farmland	✓		



II.	Other municipal services		✓	
JJ.	Violations		✓	
KK.	Legal documents	✓		
LL.	Historic and archaeological resources		✓	
MM.	Utilization of the site		✓	
NN.	Natural Features		✓	

3. Based upon the documents received, and accepting the work of the professionals who have prepared the documents, this application meets the requirements of Section 125-68 Shoreland Standards, as presented in the table below:

### Section 125-68 Shoreland Standards

	REQUIREMENTS/STANDARDS	NOT APPLICABLE	APPLICABLE/ MET	COMMENTS
B.1	Agriculture	✓		
B.2	Reserved	✓		
B.3	Beach construction	✓		
B.4	Erosion and sedimentation control		✓	
B.5	Mineral Exploration	✓		
B.6	Uses extending over or below the shoreline	✓		
B.7	Lot standards	✓		
B.8	Roads and Driveways		✓	
B.9	Subsurface wastewater	✓		
B.10	Soils	✓		
B.11	Seasonal conversion	✓		
B.12	Principal and accessory structures	✓		
B.13	Clearing and removal of vegetation for activities other than timber harvesting		✓	
B.14	Water quality		✓	
B.15	Archeological sites		✓	
B.16	Commercial and Industrial uses		✓	
B.17	Parking areas		✓	
B.18	Essential services		✓	
B.19	Private campsites	✓		
B.20	Signs	✓		

4. Based upon the documents received, and accepting the work of the professionals who have prepared the documents, this application meets the requirements of Section 125-69 Standards for particular use, structures or activities, as presented in the table below:

### Section 125-69 Standards for particular uses, structures or activities

	REQUIREMENTS/STANDARDS	NOT APPLICABLE	APPLICABLE/ MET	COMMENTS
C.	Campgrounds			
	(1) State permits and licenses		✓	
	(2) Minimum area per site		✓	
	(3) Setback		✓	
	(4) Screening		✓	
	(5) Trash receptacle		✓	

**The applicant is advised of the following:**

1. No modifications shall be made to this approval, including changes to the plans, accompanying documents, and/or conditions, without a review for a modification under the requirements in Section 125-88 of the Land Use Ordinance.
2. This permit does not relieve the applicant from any other local, state or federal permits that may be required for this proposed development.
3. Please refer to Article VIII for standards/conditions that will be applied to the construction of this project. No performance bonds are required.
4. Building permits are required for this project.
5. There is an appeal period for any interested party of 30 days to appeal this decision. It is the risk of the applicant to commence construction during this period.
6. Violations of any conditions placed upon this approval are subject to enforcement per Article IX, Section 125-100 B of the Land Use Ordinance.
7. **Conditions of Approval:** capacity letter from the Public Works Department, updated lot coverage to capture the paths to the water/wetland on L1 Context Site Plan, and recorded deed showing a 30-foot right-of-way over Betsy Corrigan's property to be provided to the Code Enforcement Officer prior to permits being issued.

No modifications to this approval shall be made without an application to the Planning Department.

---

Tom St. Germain, Chair  
Planning Board, Town of Bar Harbor

Date

*Appeals of this decision may be made to the Board of Appeals pursuant to Section 125-103 of the Bar Harbor Land Use Ordinance within 30 days of this date of this decision.*



**TOWN OF BAR HARBOR**  
**Planning and Code Enforcement**  
93 Cottage Street  
Bar Harbor, ME 04609-1400

# STAFF REPORT

## **PUBLIC HEARING, COMPLETENESS/COMPLIANCE REVIEW** **SP-2022-01 — COA STUDENT HOUSING**

**Date:** March 31, 2022

**Prepared by:** Michele Gagnon, Planning Director

**PB Meeting Date:** April 6, 2022

**Applicant/Owner:** College of the Atlantic, C/O Bear Paul, 106 Eden Street,  
Bar Harbor, Maine 04609

**Application:** The applicant proposes to build a three-story building for student housing. The building will house a maximum of 50 students. The building will be connected to existing campus utilities and infrastructure. Several small outbuildings will be relocated/removed. The project is intended to meet the needs of the existing student/staff population, not to expand it.

**Project Location:** 105 Eden Street (Tax Map 101, Lot 5), encompassing a total of ±36.07 acres, according to town tax records.

**District:** Educational Institution

**Allowed use:** Student Housing

**Applicable Laws:** Completeness — 125-66 Submission Requirements  
Compliance — §125-67 General Standards and §125-69 Q. Educational Institutions

**Review Process:**

1. Applicant presents application
2. Questions and comments from the board
3. Wrap-up completeness review

**Proposed motion: Move to find the application SP-2022-01 COA Student Housing complete, per the Bar Harbor Land Use Ordinance section 125-66,**

**as the Fire, Water, Wastewater departments capacity letters were submitted, as well as parking information as requested by the Planning Board on March 2, 2022, and that the Public Works Department capacity letter, the revised Site Location of Development permit, and the State Fire Marshal approval can be conditions of approval.**

4. Hold public hearing
5. Deliberations and determination of compliance with standards per 125-67 and 125-69 Q.

**Proposed Motion: Move to approve the application SP-2022-01 COA Student Housing per the decision dated April 6, 2022, as it meets the standards of the Bar Harbor Land Use Ordinance sections 125-67 and 125-69 Q. with the following conditions of approval: capacity letter from the Public Works Department, revised Site Location of Development permit, State Fire Marshal approval, demonstration that the hydrant was flow tested and meets NFPA standards, and demonstration that both the water and wastewater detail utility plans were reviewed and approved by the respective departments, to be provided to the Code Enforcement Officer prior to permits being issued; and the filing of the college-approved campus facility plan 15 business days prior to the Code Enforcement Officer issuing permits.**

**Staff Comment: None**



## **Town of Bar Harbor Planning & Code Department**

# **DECISION**

### **SP-2022-01 — COA STUDENT HOUSING**

**Date:** April 6, 2022

**Received:** February 10, 2022

**Meeting Date:** March 2, 2022 – Completeness  
April 6, 2022 – Public hearing, completeness and compliance review

**Applicant/Owner:** College of the Atlantic, C/O Bear Paul, 106 Eden Street, Bar Harbor, Maine 04609

**Application:** The applicant proposes to build a three-story building for student housing. The building will house a maximum of 50 students. The building will be connected to existing campus utilities and infrastructure. Several small outbuildings will be relocated/removed. The project is intended to meet the needs of the existing student/staff population, not to expand it.

**Project Location:** 105 Eden Street (Tax Map 101, Lot 5), encompassing a total of ±36.07 acres, according to town tax records.

**District:** Educational Institution

**Allowed use:** Student Housing

**Comment Period:** Ended April 4, 2022

**The approval is based upon the following submitted plans:**

- Sheet 1 of 1, Topographic Survey, prepared by Plisga & Day, dated 02-09-2022
- C-1, Site Plan, prepared by Hedefine Engineering & Design, Inc., dated 2022-02-10
- C-2, Grading, Drainage and Erosion Control Plan, prepared by Hedefine Engineering & Design, Inc., dated 2022-02-10

- C-3, Details, prepared by Hedefine Engineering & Design, Inc., dated 2022-02-10
- SK-1, Shed Relocation Plan, prepared by Hedefine Engineering & Design, Inc., dated 3/16/2022
- L1.0, Site Removals, Site Layout and Materials Plan, prepared by Coplon Associates, dated 2-10-22
- L2.0, Site Grading and Planting Plans, prepared by Coplon Associates, dated 2-10-22
- A001, Title Sheet, prepared by OPAL, dated 2022-02-10
- A201, Level 1 Floor Plan, prepared by OPAL, dated 2022-02-10
- A202, Level 2 Floor Plan, prepared by OPAL, dated 2022-02-10
- A203, Level 3 Floor Plan, prepared by OPAL, dated 2022-02-10
- A213, Level 1 Reflected Ceiling Plan, prepared by OPAL, dated 2022-02-10
- A302, Exterior Elevations, prepared by OPAL, dated 2022-02-10

**To the Code Enforcement Officer:** Under the authority and requirements of the Land Use Ordinance §125-61 F, at the properly noticed public hearing on April 6, 2022, by a motion duly made and seconded, it was voted to approve the noted application.

**This approval is based upon the following FINDINGS AND CONCLUSIONS OF LAW:**

1. Based on the documents received, this application meets the requirements under the Land Use Ordinance Article V.
2. Based upon the documents received, and accepting the work of the professionals who have prepared the documents, the Planning Board finds that the application meets the requirements of Section 125-67 General Standards, as presented in the table below:

## Section 125-67 General Standards

	REQUIREMENTS/STANDARDS	NOT APPLICABLE	APPLICABLE/ MET	COMMENTS
A.	Permitted use		✓	
B.	Lot standards		✓	
C.	Height		✓	
D.	Parking requirements		✓	
E.	Parking areas and driveways		✓	
F.	Loading requirements	✓		
G.	Street, sidewalks, and access		✓	
H.	Buffering and screening		✓	
I.	Water supply		✓	
J.	Municipal water supply		✓	
K.	Groundwater	✓		
L.	Stormwater management		✓	
M.	Municipal sewer facilities		✓	
N.	Sewage disposal		✓	
O.	Soils		✓	
P.	Landscaping		✓	
Q.	Erosion		✓	
R.	Flood permit	✓		
S.	Air quality	✓		
T.	Refuse disposal		✓	
U.	Dangerous or hazardous materials and wastes	✓		
V.	Vibration	✓		
W.	Wildlife habitat		✓	
X.	Aesthetic areas and physical and visual access		✓	
Y.	Heat	✓		
Z.	Light and glare	✓		

AA.	Noise	✓		
BB.	Signs and advertising	✓		
CC.	Outdoor storage and displays	✓		
DD.	Utilities		✓	
EE.	Fire protection		✓	
FF.	Comprehensive plan		✓	
GG.	Financial and technical capacity		✓	
HH.	Farmland	✓		
II.	Other municipal services		✓	
JJ.	Violations		✓	
KK.	Legal documents	✓		
LL.	Historic and archaeological resources		✓	
MM.	Utilization of the site		✓	
NN.	Natural Features		✓	

3. Based upon the documents received, and accepting the work of the professionals who have prepared the documents, this application meets the requirements of Section 125-69 Standards for particular use, structures or activities, as presented in the table below:

### Section 125-69 Standards for particular uses, structures or activities

	REQUIREMENTS/STANDARDS	NOT APPLICABLE	APPLICABLE/ MET	COMMENTS
Q.	Educational Institutions			
	(1) As of May 3, 2004, there shall be no additional curb cuts constructed within the two-hundred-foot setback along the eastern boundary of the district serving buildings located outside said setback.		✓	
	(2) In addition to the requirements of § 125-52D, and notwithstanding any and all allowances in Article III, the uses allowed within the requisite two-hundred-foot side setback are limited to: (a) Office; (b) Classrooms and meeting rooms, each having a maximum occupancy of 15 persons; (c) Single-family housing, excluding student housing; and (d) Indoor storage.		✓	
	(3) As of May 3, 2004, there shall be no additional parking area constructed within 200 feet of the requisite side setback from the eastern boundary of the district.		✓	
	(4) All activities requiring a building permit as outlined in § 125-77 shall be in conformance with a campus facility plan document. Such document shall be approved appropriately by the institution and filed with the Town Clerk within 30 days of such approval. A copy of this document shall be additionally filed with the Planning Department and be available for public review. Within 10 business days of the said filing with the Town, written notice of the receipt of the plan shall be mailed by first-class mail notice to owners of property within 300 feet of the outside property line of the institution.		✓	See condition

**The applicant is advised of the following:**

1. No modifications shall be made to this approval, including changes to the plans, accompanying documents, and/or conditions, without a review for a modification under the requirements in Section 125-88 of the Land Use Ordinance.

2. This permit does not relieve the applicant from any other local, state or federal permits that may be required for this proposed development.
3. Please refer to Article VIII for standards/conditions that will be applied to the construction of this project. No performance bonds are required.
4. Building permits are required for this project.
5. There is an appeal period for any interested party of 30 days to appeal this decision. It is the risk of the applicant to commence construction during this period.
6. Violations of any conditions placed upon this approval are subject to enforcement per Article IX, Section 125-100 B of the Land Use Ordinance.
7. **Conditions of Approval:** 1) capacity letter from the Public Works Department, revised Site Location of Development permit, State Fire Marshal approval, demonstration that the hydrant was flow tested and meets NFPA standards, and demonstration that both the water and wastewater detail utility plans were reviewed and approved by the respective departments, to be provided to the Code Enforcement Officer prior to permits being issued; and 2) A campus facility plan document approved by the institution and filed in two places, with the Town Clerk and the Planning Director, within 30 days of such approval, and 15 business days prior to the Code Enforcement Officer issuing any permits. Within 10 business days of said filing with the Town, written notice of the receipt of the plan shall be mailed by first-class mail notice to owners of property within 300 feet of the outside property line of the institution.

No modifications to this approval shall be made without an application to the Planning Department.

---

Tom St. Germain, Chair  
Planning Board, Town of Bar Harbor

Date

*Appeals of this decision may be made to the Board of Appeals pursuant to Section 125-103 of the Bar Harbor Land Use Ordinance within 30 days of this date of this decision.*





## TOWN OF BAR HARBOR

### Planning and Code Enforcement Department

93 Cottage Street  
Bar Harbor, ME 04609-1400

# STAFF REPORT

## COMPLETENESS REVIEW

### SP-2022-02 — BAR HARBOR COMMUNITY SOLAR

**Date:** March 30, 2022

**Prepared by:** Michele Gagnon, Planning Director

**PB meeting date:** April 6, 2022

**Applicant:** Bar Harbor Community Solar LLC, 6 Balsam Circle, New Harbor, Maine 04554

**Owner:** Robert L. Mitchell Sr. and Jennifer Mitchell, 29 Beech Hill Crossroads, Mount Desert, Maine 04660

**Application:** To develop a large-scale (15 acres) ground-mounted solar energy system providing approximately 1.99 megawatts of power to the electrical grid.

**Location:** Off of Knox Road (Tax Map 220, Lot 67), encompassing a total of ±57.5 acres, according to town tax records

**Districts:** Town Hill Rural District, Shoreland Limited Residential and Resource Protection

**Applicable section LUO:** 125-66 Submission Requirements and per 125-69 Z to include a visual impact assessment, financial capacity (including decommissioning) plan, and emergency and operation/maintenance plans.

**Completeness Review:** The purpose of the Completeness Review Meeting is for the Planning Board to conduct an initial review for the sole purpose of determining whether the application is complete

and establishing if any technical assistance is required under Section 125-65 D.

**Review Process:**

1. Applicant presents project
2. Questions and comments from the board
3. Public comment period (optional)
4. Consideration of request for waivers

*Proposed motion: Move to grant the waivers requested by the applicant with the exception of 11.F trees over 8-inch in size in the shoreland areas and along the southwest and southeast property lines, as such waivers will not unduly restrict the review process, as they are inapplicable, unnecessary or inappropriate for a complete review.*

5. Review of Submission Requirements (see applicable sections above)

*Proposed motion: Move to find the application SD-2022-02 Bar Harbor Community Solar (incomplete/complete) per the Bar Harbor Land Use Ordinance Section 125-66 and 125-69 Z. as the following information is missing: a) staff-provided Fire Department and Public Works Department capacity letters; b) setback lines from vernal pools and wetlands; c) Executed interconnection agreement; electrical schematic; and d) and trees over 8-inch in size, and to schedule a public hearing on May 4, 2022.*

6. Consideration of a site visit.

*Proposed motion: Move to have staff schedule a site visit.*

**Staff Comments:**

- This project has to comply with the standard sections of the ordinance (125-66, 67, 68). In addition, it has to comply with 125-69 Z., the section of the ordinance that was recently adopted and is specific to solar (see Attachment A).
- Modification of Standard, 125-68 B. 13 — the applicant is asking to clear/remove vegetation in the shoreland zone due to specific site characteristics. The PB cannot waive this mandatory state standard. Namely, the applicant shall comply with 125-68 B. 13(b)[1], the cutting must be consistent with 125-68 B.13(b)[2] and notwithstanding the latter section, the clearing of trees cannot exceed 125-68 B.13 (b)[2] [c], as shown in Attachment B. Furthermore, exhibit 9, Shoreland Zoning Buffer Map, should be revised from the “clearing within 25 forested wetland buffer” to 250 feet.

- Modification of standard, 125-67 DD Utilities — the applicant is asking to have the electrical lines above ground instead of underground.
- 125-67 E. Parking Areas and Driveways — the applicant is asking to be allowed to build a 16-foot wide access instead of 18-foot, and not have to meet the commercial/industrial driveway standards. This is supported by 125-68 B. 8; however, it may not be supported by the Fire Department.
- 125-69 Z. (5)(a) could be a condition of approval.
- Per 125-69 Z. (8)(b) the decision must include a note referring to financial assurance for decommissioning and that this must be transferred with the development if it is sold.
- Per 125-69 Z (8)(a) the applicant is expected to be on the April 19, 2022 Town Council agenda for approval of the Financial Assurance of Performance document.

**§ 125-67 General review standards.**

The Planning Board, before granting site plan approval, must find that the proposed plan will comply with each of the following standards. In all instances the burden of proof shall be upon the applicant.

- B. Lot standards. Except as modified by the provisions for planned unit developments set forth in § 125-69M and S, as applicable, any proposed structure or lot must comply with the lot size, area per family, road frontage, lot width, and front, side and rear setback requirements, and the shoreland zone lot standards in § 125-68B as determined by reference to Article III for each district in which it is proposed subject to the following: [Amended 5-7-1991; 11-5-1991; 5-1-1995; 5-6-1996; 11-2-1999; 11-4-2003; 5-3-2004; 11-2-2004; 5-2-2005; 6-13-2006; 11-7-2006; 11-4-2008; 6-8-2010]
- (8) Exceptions to lot coverage.
- (a) In the required front setback, the footprint of driveways and sidewalks required for access to a site from a public or private road shall not constitute lot coverage, except in the Shoreland Districts. In the application of this standard, any footprint area of the portion of driveways larger than the minimum width required under § 125-67E(26) shall constitute lot coverage; and any footprint area of a sidewalk that exceeds four feet in width or is wider than that required under § 125-67G(3)(a) shall constitute lot coverage.
- (b) In the required setbacks, essential services shall not constitute lot coverage.
- (c) The panels/arrays of the solar photovoltaic system, principal use (SPVS-PU), located over live ground cover with sufficient space between the panels/arrays and above the ground to allow sunlight for vegetation to grow shall be exempt from lot coverage calculations due to sharing of the space. All other SPVS-PU-related amenities such as, but not limited to, roads, etc., are not exempt from lot coverage calculations. Live ground cover includes, but is not limited to, native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators. [Added 11-2-2021]

- Z. Solar photovoltaic system, principal use (SPVS-PU). The purpose of these regulations is to allow for the construction and operation of solar photovoltaic systems, principal use (SPVS-PU), that produce energy for use on-site and/or off-site by establishing use-specific standards to ensure that the project is sited and designed to maintain aesthetic quality, visual character, and compatibility with surrounding uses. These regulations do not apply to solar photovoltaic systems accessory to a permitted use or structure. [Added 11-2-2021]
- (1) Safety. The SPVS-PU shall be installed in compliance with the NFPA 70 National Electric Code and the NFPA 1 Uniform Fire Code, as adopted by the Town.
  - (2) Fencing and screening. Perimeter fencing, installed around the boundary of the SPVS-PU, shall be elevated by a minimum of five inches off the ground to allow for passage of small animals. Warning signs shall be posted on the fence. Any portion of the fence visible from a road or abutter's dwelling shall be screened.
  - (3) Visual impacts.
    - (a) The SPVS-PU shall be sited on a lot in a manner that reduces the visual impacts of the installation to the greatest extent that is practical. The Planning Board may impose design-related conditions where findings of negative impacts on sensitive resources, as listed below, are made.
    - (b) The applicant shall prepare a visual impact assessment to include a narrative and demonstration detailing the extent to which the proposed SPVS-PU would be visible from any sensitive visual resources: designated scenic resource(s); Acadia National Park; archaeological and historic resources (specifically those listed in the National Register of Historic Places, or eligible for inclusion); and the distance to the proposed SPVS-PU from the designated resources and noted viewpoints.
    - (c) Information to be submitted shall include:
      - [1] A photomontage, field mockup, or other technique(s) to identify the potential visual impacts, at design capacity, of the SPVS-PU on sensitive resources and adjacent properties.
      - [2] Photos showing existing site vegetation, structures, and land uses of the subject lot and abutting properties; views of the proposed SPVS-PU from sensitive visual resources and adjacent properties; and showing the topography of the subject lot and abutting properties.
      - [3] Landscaping, screening, and buffering plan showing location of proposed plantings, screening, and buffering and existing vegetation to be retained.
      - [4] Demonstration that the siting of the SPVS-PU has reduced the visual impact to the extent practical by methods that may include, but are not limited to, the following:
        - [a] Avoiding impacts to sensitive visual resources, as listed above;
        - [b] Installing the SPVS-PU in such a way as to use natural topography to obscure the project;
        - [c] Using material and colors that blend with the background; and



- [d] Retaining or planting vegetation to obscure views of the SPVS-PU.
- (4) Financial capacity. Proof of financial capacity to build, maintain, and remove/decommission the SPVS-PU.
- (5) Emergency and operation/maintenance plans. The owner of the SPVS-PU shall provide:
  - (a) A plan including but not limited to a project summary, electrical schematic, and site plan to the Town's Police Chief and Fire Chief. All means of shutting down the SPVS-PU shall be clearly marked.
  - (b) A twenty-four-hour emergency contact name and phone number to respond to public safety inquiries throughout the life of the SPVS-PU.
  - (c) A general maintenance schedule for the SPVS-PU, including the replacement/removal of all major components during the lifespan of the facility.
  - (d) A list of cleaning chemicals and solvents, which shall be low in volatile organic compounds, to be used during the operation or maintenance of the SPVS-PU (including biodegradable products).
  - (e) An integrated vegetation management (IVM) plan that promotes desirable, stable, low-growing plant communities, such as, but not limited to, native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators through the use of appropriate, environmentally sound, and cost-effective methods. The goal is to balance safe, reliable, cost-effective vegetation management to attain stable desired plant communities while minimizing risk to human health and the environment. The plan shall address the following:
    - [1] The type of existing and proposed plant communities.
    - [2] Describe the use of control mechanisms to manage unwanted vegetation and promote desirable plant communities short- and long-term, such as, but not limited to: biological control (grazing sheep, goats, and other animals); mechanical and manual control (mowing, cutting, grubbing, hand-pulling, and tilling); cultural control (introduction of specific plants or mulches); and chemical control (application of herbicides).
    - [3] Quinquennial reevaluation of the IVM plan to determine efficacy, and make adjustments necessary to improve the plan. The findings and proposed amendments to the IVM plan shall be submitted to the Code Enforcement Officer who shall review the plan per the above stated goal, request changes if needed, and accept the plan.
- (6) Decommissioning plan. Within 365 days of the SPVS-PU ceasing operation, including if construction begins but is not completed, the owner shall begin site restoration according to the decommissioning plan approved by the Planning Board. Decommissioning shall be completed within 365 days. The owner shall submit a decommissioning plan to include, but not be limited to, the following:
  - (a) Provision for the notification to the Code Enforcement Officer by certified mail of the proposed date of the discontinued operations of the SPVS-PU and of the removal schedule.



- (b) Provision for the removal of aboveground and underground equipment and of structures and foundations to at least three feet below grade. Underground equipment, structures and foundations that are at least three feet below grade and do not constitute a hazard or interfere with agricultural or other resource-based land use do not need to be removed.
  - (c) Provision for the removal of graveled areas, access roads, fences, gates, etc., unless leaving it in place benefits an agricultural or other resource-based land use.
  - (d) Provision for the restoration of the surface grade and soil after removal of aboveground structures and equipment.
  - (e) Provision for the revegetation of restored soil area with, to the maximum extent possible, native pollinator-friendly seed mixtures and plant species suitable to the area.
  - (f) Provisions for the protection of public health and safety, as well as for protection of the environment and natural resources during the site restoration.
  - (g) Provisions for the disposal of all solid and hazardous waste in accordance with state and federal waste disposal regulations.
  - (h) A schedule for completion of site restoration work.
  - (i) An estimated cost to implement the decommissioning plan at the estimated date of decommissioning. The cost is to be determined by an independent registered professional engineer in the State of Maine, to be mutually acceptable by the owner and the Town. The engineer will be paid by the owner but hired by the Town. The cost to implement the decommissioning plan shall be acceptable to the Town's Finance Director.
  - (j) Provision of financial assurance of performance.
- (7) Abandonment.
- (a) Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances to the Code Enforcement Officer, a SPVS-PU shall be considered abandoned when it fails to operate for more than 365 days.
  - (b) If the owner of the SPVS-PU fails to remove the installation within 365 days of abandonment or the proposed date of decommission, the Town of Bar Harbor retains the right to use all available means to cause an abandoned or hazardous SPVS-PU to be decommissioned.
- (8) Financial assurance of performance.
- (a) At the time of approval, the owner of the SPVS-PU shall submit to the Town a bond or other financial surety per Article IX of this chapter, to be approved by the Town Council for 110% of the estimated decommissioning of the facility based on the average life span of the SPVS-PU.
  - (b) The bond or other financial surety shall be in effect until the decommissioning of the SPVS-PU facility is completed. The performance guarantee shall be used by the Town to remove/decommission the
- 4

abandoned SPVS-PU (or the use of which has ceased) and associated abandoned structures only if the owner has not done so within the required 365-day period. Financial assurance provisions must be noted in the Planning Board decision and must be transferred with the development if it is sold.



**§ 125-109 Definitions.**

The following terms shall have the following meanings:

**ARRAY**

Multiple solar photovoltaic panels combined together to create a system.

**PHOTOVOLTAIC (PV)**

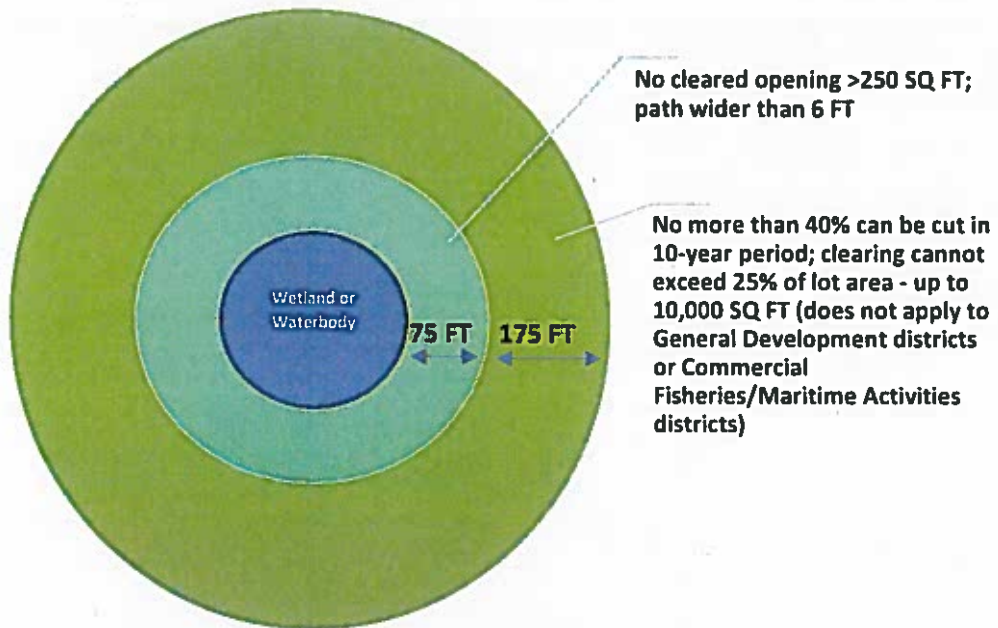
A semiconductor-based device that converts light directly into electricity.

**SOLAR PHOTOVOLTAIC SYSTEM, ACCESSORY USE**

A solar collection system accessory to a permitted use or structure, consisting of one or more roof-mounted and/or ground-mounted solar photovoltaic cells, panels or arrays, and solar-related equipment that rely upon solar radiation as an energy source for collection, inversion, storage and/or distribution of solar energy for electricity generation. The ground-mounted solar collection system shall not exceed a total surface area (all panels/arrays) of 20,000 square feet in size.

**SOLAR PHOTOVOLTAIC SYSTEM, PRINCIPAL USE (SPVS-PU)**

A solar collection system consisting of one or more ground-mounted solar photovoltaic cells, panels or arrays, and solar-related equipment that rely upon solar radiation as an energy source for collection, inversion, storage and/or distribution of solar energy for electricity generation.





## TOWN OF BAR HARBOR

### Planning and Code Enforcement Department

93 Cottage Street  
Bar Harbor, ME 04609-1400

# STAFF REPORT

## SUBDIVISION PRE-APPLICATION SKETCH PLAN REVIEW

### SD-2022-01 - Red House Farm Subdivision

**Issued:** April 1, 2022  
**PB meeting date:** April 6, 2022  
**Applicant/Owner:** Finback on Cottage, LLC, C/O Michael Boland, P.O. Box 10, Bar Harbor, Maine 04609  
**Application:** To subdivide a 27-acre lot into three (3), two-acre, single-family lots with a fourth, 21-acre lot to be retained by the owners.  
**Project Location:** 16 Hadley Point Road (Tax Map 202, Lot 58), encompassing a total of  $\pm 27.18$  acres, according to town tax records  
**Districts:** Salisbury Cove Corridor and Salisbury Cove Residential.  
**Allowed Use:** Subdivision of land  
**Applicable Laws:** 125-72 submission requirements for pre-application sketch plan

**Process:**

1. Applicant presents application
2. Questions and comments from the board
3. Public comment period – *mandatory for sketch*
4. PB informs applicant of “specific suggestions to be incorporated by the applicant in subsequent submissions.”
5. PB acts, provides guidance on submission of waiver request – *we recommend not acting on waivers, just to provide guidance.*  
Proposed motion: Move not to act on submission of waiver request for SD-2022-01 Red House Farm Subdivision as this is only a pre-application, the applicant has no vested rights, and it is too early in the process to make such decisions, the board would have to act again on the submission of waiver request at the completeness review meeting creating confusion, and as the board has provided guidance to the applicant on the waiver requests.
6. Schedule Site visit and consider the need for a neighborhood.  
Proposed Motion: Move to schedule a site visit on April 13, 2022 at 10:30 AM.

**Staff Comments:** The Planning Board has the option to ask for a neighborhood meeting. As this project is pretty straightforward, staff does not believe that a neighborhood meeting will help achieve greater community understanding of the project and therefore we feel it is not necessary.



**TOWN OF BAR HARBOR**  
**Planning and Code Enforcement Department**  
93 Cottage Street  
Bar Harbor, ME 04609-1400

# STAFF REPORT

## SUBDIVISION PRE-APPLICATION SKETCH PLAN REVIEW

**SD-2022-04 —**

### LAMB SUBDIVISION – ANDERSON LOT LINE

**Issued:** April 1, 2022  
**PB meeting date:** April 6, 2022  
**Applicant/Owner:** Michael and Fayelle Anderson, 25 Manteca Drive, Bar Harbor, Maine 04609  
**Application:** The project consists of the modification of the Lamb Subdivision. The applicant seeks to divide Tax Map 206 Lot 14 (25 Manteca Drive) into two lots: an 11.85-acre lot with three existing dwelling units and a 2.2-acre lot with one existing dwelling unit.  
**Project Location:** 25 Manteca Drive (Tax Map 206, Lot 14), encompassing a total of 14.05± acres, according to town tax records  
**Districts:** Shoreland Limited Residential and Salisbury Cove Residential  
**Allowed Use:** Subdivision of land  
**Applicable Laws:** 125-72 submission requirements for pre-application sketch plan  
**Process:**  

1. Applicant presents application
2. Questions and comments from the board
3. Public comment period – *mandatory for sketch*
4. PB informs applicant of “specific suggestions to be incorporated by the applicant in subsequent submissions.”
5. PB acts, provides guidance on submission of waiver request –*we recommend not acting on waivers, just to provide guidance.*  
Proposed motion: Move not to act on submission of waiver request for SD-2022-04 Lamb Subdivision – Anderson Lot Line  
as this is only a pre-application, the applicant has no vested rights, and it is too early in the process to make such decisions, the board would have to act again on the submission of waiver request at the completeness review meeting creating confusion, and as the board has provided guidance to the applicant on the waiver requests.
6. Schedule Site visit and consider the need for a neighborhood meeting.

**Proposed Motion: Move to schedule a site visit on April 13, 2022 at 10:00 AM.**

**Staff Comments:** The Planning Board has the option to ask for a neighborhood meeting. As this project is pretty straightforward, staff does not believe that a neighborhood meeting will help achieve greater community understanding of the project and therefore we feel it is not necessary.

# **Order**

## **of the Bar Harbor Town Council**

### **for the June 14, 2022 Town Meeting**

It is hereby ordered that the following article be placed on the annual town meeting warrant with voting thereon to be held by Australian ballot.

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#### **Warrant Article**

**Article XX LAND USE ORDINANCE AMENDMENT — Rezoning of the Oceanarium and Education Center land from Shoreland Limited Residential District to Marine Research District** – Shall an ordinance, dated December 8, 2021, to amend the Official Neighborhood Districts Map by rezoning Tax Map 212, Lot 35 from the Shoreland Limited Residential District to the Marine Research District, be enacted?

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### **Rezoning of the Oceanarium and Education Center land from Shoreland Limited Residential District to Marine Research District**

**Summary** - The amendment to the Official Neighborhood Districts Map rezones the Oceanarium and Education Center land, Tax Map 212, Lot 35 from Shoreland Limited Residential District to Marine Research District.

**Explanation** – The applicant is asking for an amendment to the Official Neighborhood Districts Map. Specifically, the applicant is requesting that the Oceanarium and Education Center land located at 1351 State Highway 3 be rezoned from the Shoreland Limited Residential District to the Marine Research District. The diminimus amount of land, located in the Town Hill Residential district, is not part of this application and will remain in the Town Hill Residential District. The subject property is located off State Highway 3 - Bar Harbor Tax Map 212, Lot 35. The parcel encompasses a total of ±19.26 acres, according to town tax records. The subject land is in the Shoreland Limited Residential district.

*The Town of Bar Harbor hereby ordains that the Official Neighborhood Districts Map of Bar Harbor, as described in Chapter 125, Section 13, Official Neighborhood Districts Map of the Town Code is amended as follows:*

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**Chapter 125, Article II, Establishment of Districts**  
**§125-13 Official Neighborhood Districts Maps**

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**§125-13 Official Neighborhood Districts Map**

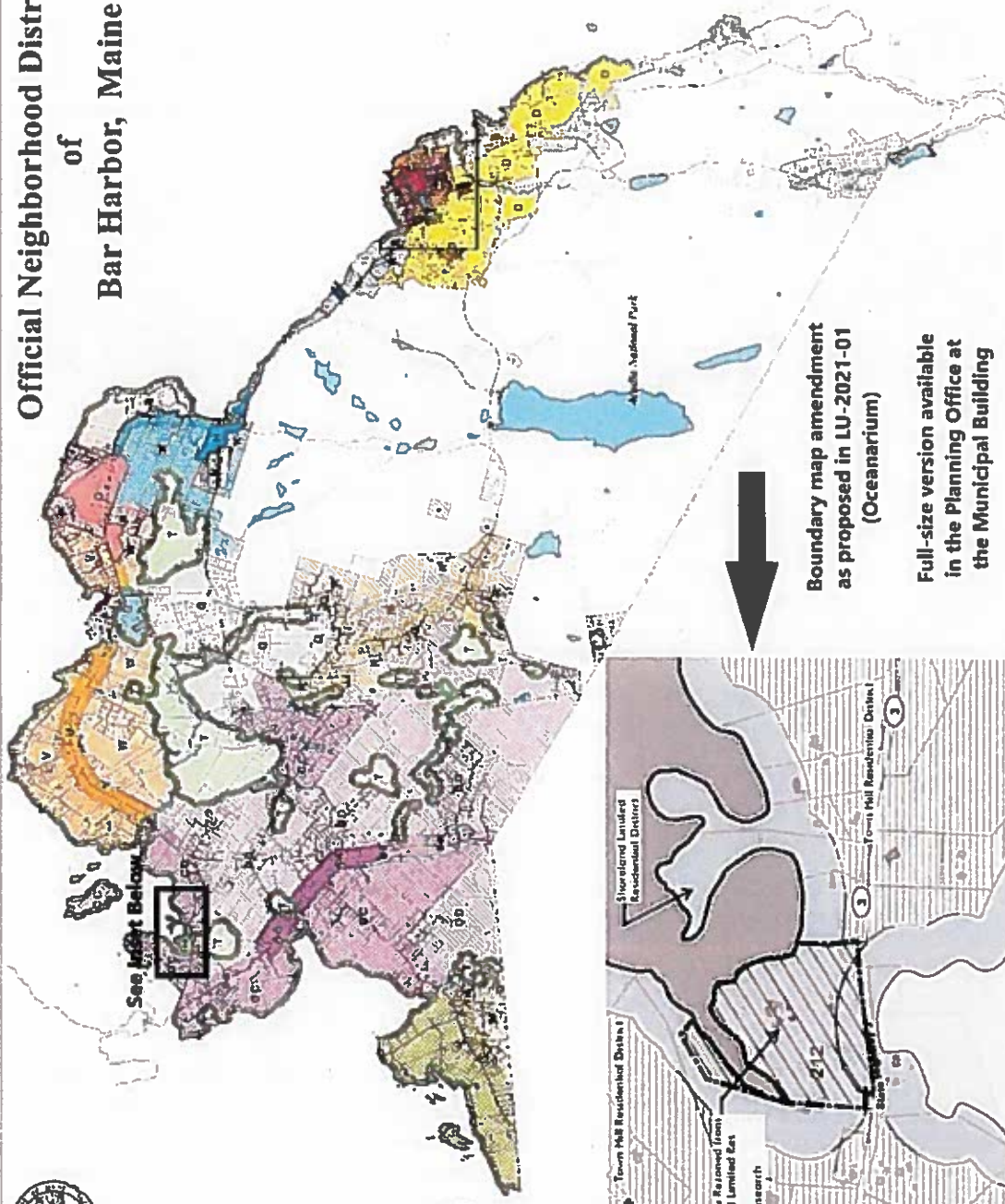
Neighborhood districts established by this chapter are bounded and defined as shown on the Official Neighborhood District Map of Bar Harbor, which, together with all explanatory materials contained thereon, is hereby made a part of this chapter. The official map shall be signed by the Town Clerk and Chairman of the Planning Board at the time of adoption or amendment of the chapter, certifying the date of such adoption or amendment, and shall be filed in the office of the Town Clerk.





# Official Neighborhood District Map of Bar Harbor, Maine

- Legend**
- A - Bar Harbor Gateway
  - B - Village Historic
  - C - Mount Desert Street Corridor
  - D - Village Residential
  - E1 - Downtown Village I
  - E2 - Downtown Village II
  - E3 - Village Transitional
  - F - Downtown Residential
  - G - Seaside District
  - H - Hillside Core Business
  - J - Hillside Core Residential Corridor
  - K - Hillside Core Rural
  - L - Point Point Residential
  - M - Point Point Rural
  - N - Industrial
  - O - Inland Hill Corridor
  - P - Inland Hill Residential
  - Q - McFarland Hill Residential
  - R - McFarland Hill Rural
  - S - Other Creek
  - SP - Stream Protection
  - T - Resource Protection
  - U - Seabury Cove Corridor
  - V - Seabury Cove Residential
  - W - Seabury Cove Rural
  - X - Seabury Cove Village
  - Y - Seabury Hill
  - Z - Seabury Research
  - AA - Town Hill Business
  - BB - Town Hill Residential Corridor
  - CC - Town Hill Residential
  - DD - Town Hill Rural
  - EE - Seaboard General I
  - FF - Seaboard Limited Residential
  - GG - Seaboard General II
  - SS - Seaboard General III
  - SS - Seaboard General IV
  - SS - Seaboard Marine Access
  - HH - Marine Research
  - II - Educational Institution



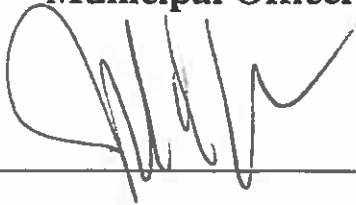
**Boundary map amendment  
as proposed in LU-2021-01  
(Oceanarium)**

**Full-size version available  
in the Planning Office at  
the Municipal Building**



Given under our hands and seal at Bar Harbor this 15th day of February, 2022.

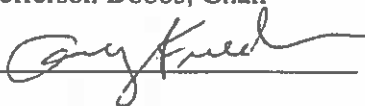
**Municipal Officers of the Town of Bar Harbor**



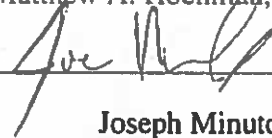
Jefferson Dobbs, Chair



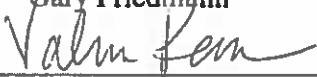
Matthew A. Hochman, Vice Chair



Gary Friedmann



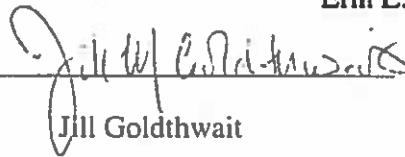
Joseph Minutolo



Valerie Peacock



Erin E. Cough



Jill Goldthwait

# **Order**

## **of the Bar Harbor Town Council for the June 14, 2022 Town Meeting**

It is hereby ordered that the following article be placed on the annual town meeting warrant with voting thereon to be held by Australian ballot.

---

### **Warrant Article**

**Article XX LAND USE ORDINANCE AMENDMENT — Expansion of the Scientific Research for Eleemosynary Purposes District** – Shall an ordinance, dated December 8, 2021, to amend the Official Neighborhood Districts Map by expanding the boundary of the Scientific Research for Eleemosynary Purposes District to encompass the following parcels: Tax Map 115, Lots 32, 33, 34, 35, 36, and 37 and Tax Map 253, Lot 1, and the portion of Tax Map 253, Lot 4 located outside of the Stream Protection District, be enacted?

---

### **Expansion of the Scientific Research for Eleemosynary Purposes District**

**Summary** - The amendment to the Official Neighborhood Districts Map expands the Scientific Research for Eleemosynary Purposes District boundary to include the following parcels, currently encompassed in the Village Residential District: Tax Map 115, Lots 32, 33, 34, 35, 36, 37 and Tax Map 253, Lot 1, and the portion of Tax Map 253, Lot 4 located outside of the Stream Protection District.

**Explanation** - The Jackson Laboratory is asking for an amendment to the Official Neighborhood Districts Map. Specifically, it is requesting that the Scientific Research for Eleemosynary Purposes District boundary be expanded from its existing boundaries to include the following parcels currently encompassed in the Village Residential District: Tax Map 115, Lots 32, 33, 34, 35, 36, 37 and Tax Map 253, Lot 1, and the portion of Tax Map 253, Lot 4 located outside of the Stream Protection District.

The request involves land located between Route 3 and Schooner Head Road, which includes Tax Map 115, lots 32, 33, 34, 35, 36, 37 and Tax Map 253, Lot 1. These parcels encompass a total of ±

4.99 acres of land, according to town tax records, located in the Village Residential District. It also involves land located off Schooner Head Road at Bear Brook, specifically Tax Map 253, Lot 4. This parcel encompasses  $\pm 2.04$  acres of land, according to town tax records, located in part in the Village Residential District and in part in the Stream Protection District.

*The Town of Bar Harbor hereby ordains that the Official Neighborhood Districts Map of Bar Harbor, as described in Chapter 125, Section 13, Official Neighborhood Districts Map of the Town Code is amended as follows:*

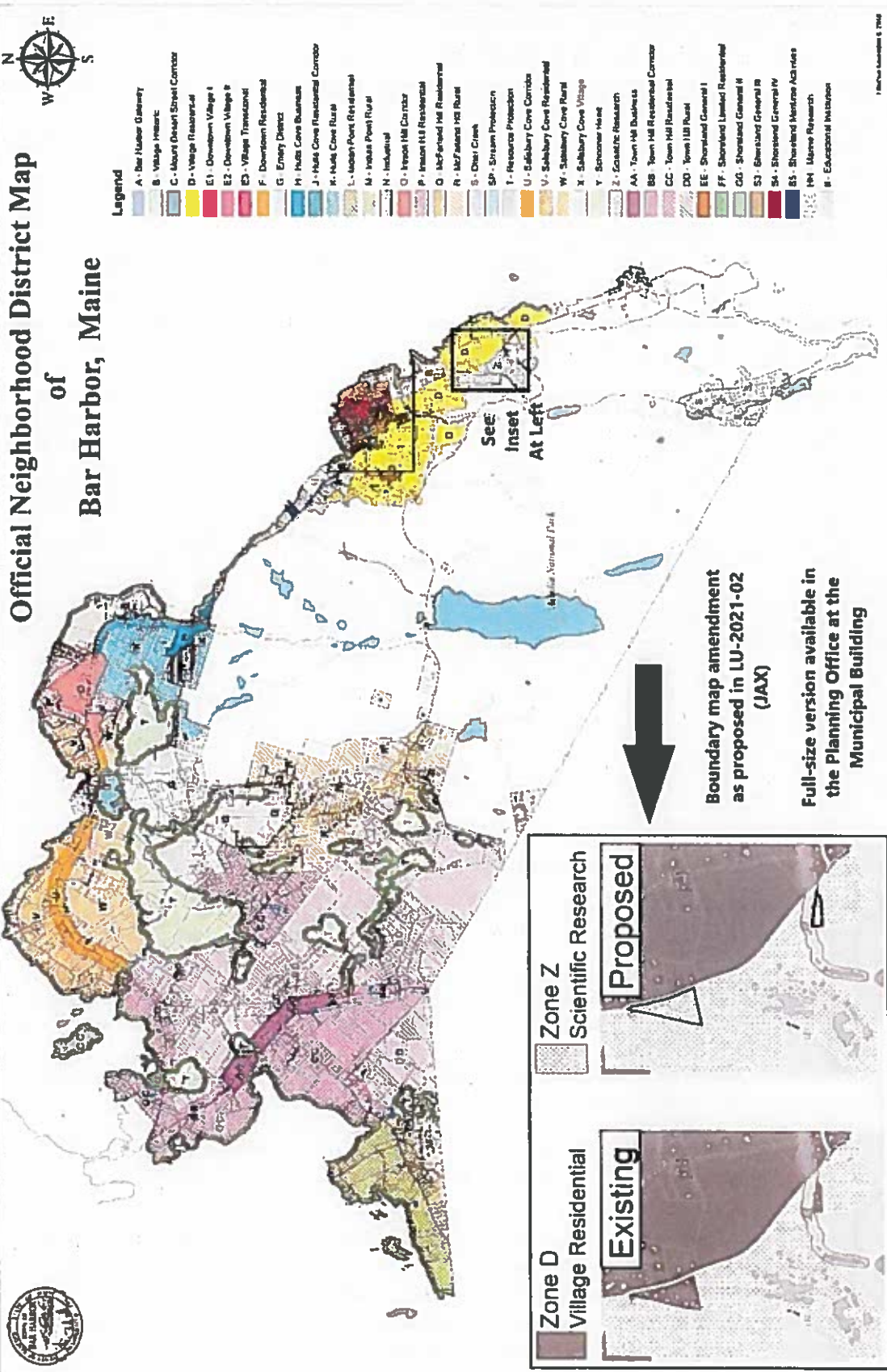
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**Chapter 125, Article II, Establishment of Districts**  
**§125-13 Official Neighborhood Districts Maps**

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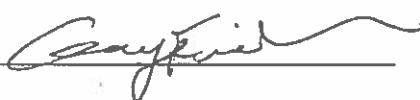
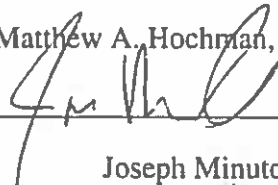
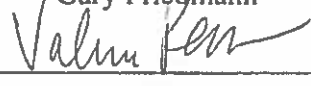
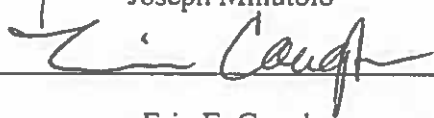

**§125-13 Official Neighborhood Districts Map**

Neighborhood districts established by this chapter are bounded and defined as shown on the Official Neighborhood District Map of Bar Harbor, which, together with all explanatory materials contained thereon, is hereby made a part of this chapter. The official map shall be signed by the Town Clerk and Chairman of the Planning Board at the time of adoption or amendment of the chapter, certifying the date of such adoption or amendment, and shall be filed in the office of the Town Clerk.



Given under our hands and seal at Bar Harbor this 15th day of February, 2022.

**Municipal Officers of the Town of Bar Harbor**

  
\_\_\_\_\_  
Jefferson Dobbs, Chair  
\_\_\_\_\_  
Matthew A. Hochman, Vice Chair  
\_\_\_\_\_  
Gary Friedmann  
\_\_\_\_\_  
Joseph Minutolo  
\_\_\_\_\_  
Valerie Peacock  
\_\_\_\_\_  
Erin E. Cough  
\_\_\_\_\_  
Jill Goldthwait



## Town of Bar Harbor Planning & Code Department

93 Cottage Street • Suite 1 • Bar Harbor • Maine • 04609-1400

# Memorandum

To: Planning Board  
Copy: Greg Johnston  
From: Michele Gagnon, Planning Director  
Date: April 1, 2022  
Subject: SD-2021-03 Harbor Lights Retirement Community – signing of plat plan

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Per the attached signed decision for SD-2021-03 Harbor Lights Retirement Community and the Land Use Ordinance, it is required that a plat be signed by the Planning Board within 45 days of the signed decision (see page 4, note # 7 of said decision). Therefore, SD-2021-03 Harbor Light Retirement Community plat plan should have been signed by the board by Sunday, March 27, 2022 which would have effectively given the applicant until Monday, March 28, 2022.

As this deadline was missed, we ask that the Board consider waiving this timeline and that the board sign the plan at the April 6, 2022 meeting. This would enable the applicant to record the plat plan within 90 days of being signed (see page 4, note #7 of the decision) as required by the Land Use Ordinance and state law.

**Proposed motion: Move to sign SD-2021-03 Harbor Lights Retirement Community subdivision plat plan today, April 6, 2022, and waive the 45-day signing requirements per page 4 note #7 of the decision.**





## **Town of Bar Harbor Planning & Code Department**

# **DECISION**

### **SUBDIVISION PLAN SD-2021-03 HARBOR LIGHTS RETIREMENT COMMUNITY**

**FEBRUARY 2, 2022**

**Applicant/Owner:** Harbor Lights, LLC, 80 Exchange Street, Bangor, ME 04402

**Application:** The applicant proposes to construct a retirement community on a 58.97-acre parcel of land, according to tax record. The area of the parcel that will be developed is an 18.7-acre portion wholly contained within the Halls Cove Rural District. The application consists of 42 dwelling units, offices for qualified assisted living and care practitioner along with a community space building. The development will be served by public sewer and public water.

The shore front portion, as well as the easterly portion of the parcel, are not part of the retirement community application. The easterly portion of the parcel will be 1-acre, single-family dwelling lot to be retained by the owner.

**Project Location:** 18 Hamor Lane (Tax Map 216, Lot 50), encompassing a total of 58.97 acres according to town tax records.

**Districts:** Shoreland Limited Residential, Halls Cove Residential Corridor, Halls Cove Rural, Resource Protection and Ireson Hill Residential.

**Received:** December 9, 2021

**Meeting Dates:** Sketch Plan Review – June 2, 2021  
Completeness Review – January 5, 2022  
Public Hearing and Completeness Review – February 2, 2022

**The approval is based upon the following submitted plans:**

- SW-1, Sanitary and Water Demands, dated December 9, 2021, prepared by G.F. Johnston & Associates
- Boundary Survey, Sheet 1, dated July 29, 2005, prepared by Patriot Land Surveys
- C-1, Preliminary Subdivision Plan, dated December 9, 2021, prepared by G.F. Johnston & Associates
- C-2, Grading and Stormwater Plan, dated December 9, 2021, prepared by G.F. Johnston & Associates



**SD-2021-03 Harbor Lights Retirement Community - Decision**

- C-3, Grading and Stormwater Plan, dated December 9, 2021, prepared by G.F. Johnston & Associates
- C-4, dated December 9, 2021, prepared by G.F. Johnston & Associates
- C-5, dated December 9, 2021, prepared by G.F. Johnston & Associates
- L1, Site Planting Plan, dated 12/3/2021, prepared by Coplon Associates
- IL01, Exterior Lighting: 14 Unit Buildings, dated 10/6/21, prepared by A 4 Architects
- IL02, Exterior Lighting: Amenity Building, dated 10/6/21, prepared by A 4 Architects
- IL03, Exterior Lighting: Amenity Building, dated 10/6/21, prepared by A 4 Architects
- LS00, Amenity Building – Basement Floor Plan, dated 12/6/21, prepared by A 4 Architects
- LS01, Amenity Building – Ground Floor Plan, dated 12/6/21, prepared by A 4 Architects
- LS02, Amenity Building – Second Floor Plan, dated 12/6/21, prepared by A 4 Architects
- CH0, Amenity Building – Views, dated 12/4/2021, prepared by A 4 Architects
- CH01, Amenity Building – First Floor Plan, dated 12/4/2021, prepared by A 4 Architects
- CH00, Amenity Building – Basement Plan, dated 12/4/2021, prepared by A 4 Architects
- CH1, Amenity Building – Floor Plans and Uses, dated 12/4/2021, prepared by A 4 Architects
- CH02, Amenity Building – Second Floor Plan, dated 12/4/2021, prepared by A 4 Architects
- CH03, Amenity Building – Elevation (1), dated 12/4/2021, prepared by A 4 Architects
- CH04, Amenity Building Elevations (2), dated 12/4/2021, prepared by A 4 Architects
- CH05, Amenity Building – Elevation (3), dated 12/4/2021, prepared by A 4 Architects
- CH06, Amenity Building – Elevation (4), dated 12/4/2021, prepared by A 4 Architects
- CH09, Amenity Building – Wall Types, dated 12/6/21, prepared by A 4 Architects
- CH11, Amenity Building – Door Schedule & Details, dated 12/4/2021, prepared by A 4 Architects
- CH12, Amenity Building –ADA Restrooms, dated 12/4/2021, prepared by A 4 Architects
- CH13, Amenity Building – Stair Details, dated 12/4/2021, prepared by A 4 Architects
- A01, 2 Unit Duplex Building, dated 12/6/2021, prepared by A 4 Architects
- A02, 2 Unit Duplex Building, dated 12/6/2021, prepared by A 4 Architects
- A01, 6 Unit Building – Floor Plans, dated 12/6/2021, prepared by A 4 Architects
- A02, Six Unit Building - Elevations, dated 12/6/2021, prepared by A 4 Architects
- A03, Six Unit Building – Uses & Areas, dated 12/6/2021, prepared by A 4 Architects
- A01, 14 Unit Building - Plans, dated 12/8/21, prepared by A 4 Architects
- A02, 14 Unit Building - Elevations, dated 12/8/21, prepared by A 4 Architects
- A03, 14 Unit Building – Uses & Areas, dated 12/8/21, prepared by A 4 Architects
- L1, Lighting Plan, prepared by G.F. Johnston & Associates

**To the Code Enforcement Officer:** Under the authority and requirements of the Land Use Ordinance §125-61 F, at the properly noticed public hearing on February 2, 2022, by a motion duly made and seconded, it was voted to approve the noted application.

**This approval is based upon the following FINDINGS AND CONCLUSIONS OF LAW:**

1. Based on the documents received, this application meets the requirements under the Land Use Ordinance Article V.

## SD-2021-03 Harbor Lights Retirement Community - Decision

2. Based upon the documents received, and accepting the work of the professionals who have prepared the documents, the Planning Board finds that the application meets the requirements of Section 125-67 General Standards, as presented in the table below:

### Section 125-67 General Standards

	REQUIREMENTS/STANDARDS	NOT APPLICABLE	APPLICABLE/ MET	COMMENTS
A.	Permitted use		✓	
B.	Lot standards		✓	
C.	Height		✓	
D.	Parking requirements		✓	
E.	Parking areas and driveways		✓	
F.	Loading requirements		✓	
G.	Street, sidewalks, and access		✓	See modification of standards
H.	Buffering and screening		✓	
I.	Water supply		✓	
J.	Municipal water supply		✓	
K.	Groundwater		✓	
L.	Stormwater management		✓	
M.	Municipal sewer facilities		✓	
N.	Sewage disposal		✓	
O.	Soils		✓	
P.	Landscaping		✓	
Q.	Erosion		✓	
R.	Flood permit	✓		
S.	Air quality	✓		
T.	Refuse disposal		✓	
U.	Dangerous or hazardous materials and wastes	✓		
V.	Vibration	✓		
W.	Wildlife habitat		✓	
X.	Aesthetic areas and physical and visual access		✓	
Y.	Heat	✓		
Z.	Light and glare		✓	
AA.	Noise		✓	
BB.	Signs and advertising		✓	See condition of approval
CC.	Outdoor storage and displays	✓		
DD.	Utilities		✓	
EE.	Fire protection		✓	See condition of approval
FF.	Comprehensive plan		✓	
GG.	Financial and technical capacity		✓	
HH.	Farmland	✓		
II.	Other municipal services		✓	
JJ.	Violations		✓	
KK.	Legal documents		✓	
LL.	Historic and archaeological resources		✓	
MM.	Utilization of the site		✓	
NN.	Natural Features		✓	

3. Based upon the documents received, and accepting the work of the professionals who have prepared the documents, this application meets the requirements of Section 125-69 Standards for particular uses, structures or activities N. Subdivision, as presented in the table below:

### Section 125-69 Standards for particular uses, structures or activities

	REQUIREMENTS/STANDARDS	NOT APPLICABLE	APPLICABLE/MET	COMMENTS
<b>N. Subdivisions</b>				
(1)	Monuments		✓	
(2)	Blocks	✓		
(3)	Lot standards		✓	
(4)	Frontage		✓	
(5)	Double frontage and reverse frontage		✓	
(6)	Lot lines		✓	
(7)	Future development	✓		
(8)	Land not suitable for development		✓	


**The applicant is advised of the following:**

1. No modifications shall be made to this approval, including changes to the plans, accompanying documents, and/or conditions, without a review for a modification under the requirements in Section 125-88 of the Land Use Ordinance.
2. This permit does not relieve the applicant from any other local, state or federal permits that may be required for this proposed development.
3. Please refer to Article VIII for standards/conditions that will be applied to the construction of this project. No performance bonds are required.
4. Building permits are required for this project.
5. Appeals of this decision may be made to the Board of Appeals pursuant to Section 125-103 of the Bar Harbor Land Use Ordinance within 30 days of this decision. It is the risk of the applicant to commence construction during this period.
6. Violations of any conditions placed upon this approval are subject to enforcement per Article IX, Section 125-100 B of the Land Use Ordinance.
7. Per Section 125-75, the plat plan shall be signed by the Planning Board within 45 days of this signed decision and recorded by the applicant at the Hancock County Registry of Deeds within 90 days of the plan being signed by the Planning Board.
8. The following information shall be submitted to the Code Enforcement Officer prior to the issuance of building permits:
  - a. Maine Department of Environmental Protection Tier 1 permit;
  - b. Army Corp of Engineers self-verification letter;
  - c. Demonstration that water flows are sufficient to meet the domestic and fire suppression standards;
  - d. Wastewater construction plans approved by the Wastewater Department; and
  - e. Proof that the plat plan has been recorded at the Hancock County Registry of Deeds within 90 days of the plan being signed by the Planning Board.

**SD-2021-03 Harbor Lights Retirement Community - Decision**

9. The Water Department requires that all new water service lines, valves, meters and any associated equipment be installed according to Water Division Standards.
10. The Planning Board has approved the following modifications of standards:
  - a. 125-67 G. (2)(h): Two street connections are not needed so as to avoid impacting mobility on Route 3 and as supported by the Maine Department of Transportation; . and
  - b. 125-67 G. (3)(b): A cul-de-sac is not needed as the one-way road provides the intended loop for traffic, as well as adequately serves emergency vehicles both in turning radius and in staging.
  - c. 125-67 BB.: Should the applicant want a sign in the future, they will need to need to secure a Certificate of Appropriateness from the Design Review Board for the sign and related lighting.
11. The project may be completed in two consecutive phases, each benefitting from the time frames allotted to individual projects by 125-90 A. Each phase of the project has 18 months for completion. The first phase extends utilities from the public way [Route 3] and constructs the access 700 feet into the site. Following the first phase of the project a sales effort for the project will be commenced. As all sales are secured the Second Phase of units, access and utilities will be brought further into the site.

No modifications to this approval shall be made without an application to the Planning Department.

  
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Tom St. Germain, Chair  
Planning Board, Town of Bar Harbor

10 FEB 22

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Date